

**ATTACHMENT "2";  
THOMAS YOUNG**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

LUCAS BRUNO III, CHRISTOPHER )  
GAHR, FRANK ROBERT PAULSON, )  
CHARLES TURNER, and TOM )  
YOUNG, )

Plaintiffs, )

vs. )

Civil No. )

03-00567DAE BMK )

MICHAEL CHERTOFF, Secretary, )  
DEPARTMENT OF HOMELAND )  
SECURITY, )

Defendant. )

\_\_\_\_\_ )

VIDEOCONFERENCED VIDEOTAPED DEPOSITION OF  
THOMAS L. YOUNG, Taken on behalf of Defendant, at Room  
6-100, PJKK Federal Building, 300 Ala Moana Boulevard,  
Honolulu, Hawaii 96850 commencing at 9:37 a.m., on March  
15, 2006, pursuant to Notice.

RALPH ROSENBERG COURT REPORTERS, INC.  
Honolulu, HI (808) 524-2090

BEFORE: SHIRLEY L. KEYS, RPR, CM, CSR 383

Notary Public, State of Hawaii

APPEARANCES:

For Plaintiff: DENISE M. HEVICON, ESQ.  
345 Queen Street, Second Floor  
Honolulu, Hawaii 96813

For Defendant: THOMAS A. HELPER, ESQ.  
Assistant U.S. Attorney  
Room 6-100, PJKK Federal Bldg.  
300 Ala Moana Boulevard  
Honolulu, Hawaii 96850-6100

Also Present: MARTHA BUXTON, Attorney Advisor  
Pacific Rim Airports  
U. S. Department of Homeland  
Security  
300 Rodgers Blvd., #45  
Honolulu, Hawaii 96819

The Videographer: ROBERT WHITMAN  
Certified Legal Video Services  
1111 Bishop Street, Suite 500  
Honolulu, Hawaii 96813

RALPH ROSENBERG COURT REPORTERS, INC.  
Honolulu, HI (808) 524-2090

I N D E X

EXAMINATION BY: PAGE

Mr. Helper 5

EXHIBITS FOR IDENTIFICATION PAGE

A Affidavit 36

B Letter dated November 21, 2002 37

C Letter dated November 13, 2002 56

1 (Disclosure presented to counsel.)

2 THE VIDEOGRAPHER: This is the  
3 deposition of Tom Young in the matter of Lucas Bruno, III  
4 et al versus Michael Chertoff and the Department of  
5 Homeland Security. We are located at the United States  
6 Attorney's Office at 300 Ala Moana Boulevard, Honolulu,  
7 Hawaii. My name is Robert Whitman, certified legal video  
8 specialist. Will counsel please state their names?

9 MS. HEVICON: Good morning. Denise  
10 Hevicon for the plaintiffs and representing Tom Young in  
11 this matter.

12 MR. HELPER: Good morning. Tom Helper  
13 on behalf of the defendant. With me is Marti Buxton of  
14 TSA.

15 THE VIDEOGRAPHER: Today is March 15 in  
16 the year 2006, and we are on the record at 9:37 a.m.  
17 Would the court reporter please swear in the deponent?

18 THOMAS L. YOUNG,  
19 called as a witness at the instance of Defendant, being  
20 first duly sworn to tell the truth, the whole truth and  
21 nothing but the truth, was examined and deposed as  
22 follows:

23

24 E X A M I N A T I O N

25 BY MR. HELPER:

RALPH ROSENBERG COURT REPORTERS, INC.  
Honolulu, HI (808) 524-2090

1 Q. Mr. Young, good morning.

2 A. Good morning.

3 Q. Where are you located right now?

4 A. I'm in the Kinko's office on 17th Street in  
5 downtown Denver.

6 Q. Okay. We have agreed to have your deposition  
7 taken by videoconference this morning -- this morning  
8 Hawaii time, and the court reporter is here present in  
9 Hawaii. I'd just like for counsel to stipulate that  
10 that's an acceptable procedure, that this transcript  
11 could be used as if the court reporter was present with  
12 you and you were sworn in in person.

13 MS. HEVICON: So stipulated.

14 Q. (By Mr. Helper) Okay. And have you ever had  
15 your deposition taken before?

16 A. Not really.

17 Q. What does that mean?

18 A. No. Not -- not in this particular incident.  
19 I've -- I've been involved in things, you know, earlier  
20 in my life in -- in the military and -- but nothing in  
21 this manner.

22 Q. Okay. But have you been deposed before, have  
23 you had your deposition taken in any respect in any case  
24 ever?

25 A. No. I don't believe so.

1 Q. Okay. Have you ever testified in court?

2 A. I have testified in court before.

3 Q. In what situations?

4 A. Early on in my military career I was a military  
5 policeman. I -- I went to traffic court many times. I  
6 was involved in some cases with the military police.

7 Q. Okay. Well, let me just run sort of over the  
8 ground rules of a deposition because they're a little bit  
9 different from a normal conversation, and in addition,  
10 we've got the videoconference complication, which adds  
11 some wrinkles, but first of all, you're sworn in today  
12 with the same oath you'd be sworn in if you were  
13 testifying in court. Do you understand that?

14 A. I understand that.

15 Q. And the testimony you give today, even though  
16 it may appear to be in a somewhat informal setting has  
17 the same weight and significance as if you were giving it  
18 in court. Do you understand that?

19 A. Yes, I do.

20 Q. Okay. There's some rules that are different  
21 for talking in a deposition, especially a  
22 videoconferenced deposition than in a normal  
23 conversation, and the most important one is that only one  
24 person can speak at a time. We have a court reporter  
25 present here taking down everything anybody says, and for

1 her to get a good, clean record, she can't write down two  
2 people talking at once, so that -- that means a couple of  
3 things. One is make sure you let me finish my question  
4 before you start to answer, especially with the little  
5 bit of delay with the videoconference, it's really  
6 important that you pause even if you know exactly where  
7 I'm going with an answer -- with a question, that you not  
8 not jump in with an answer, because if you do, it's going  
9 to get -- it's going to, believe me, take a lot longer.  
10 You understand that?

11 A. Yes, I do.

12 Q. And I will sometimes -- I sometimes have the  
13 bad habit of pausing in the middle of a question while I  
14 think of the next word, and maybe I'll, you know, if I am  
15 pausing, I'll hold up my hand or something to let you  
16 know that I'm not done with my question yet, okay?

17 A. Okay.

18 Q. Now, if I ever jump in and start to ask you  
19 another question before you're finished with your answer,  
20 make sure you stop me and -- and let me know that you  
21 hadn't finished your last answer yet, okay?

22 A. No problem.

23 Q. Okay. Another rule is that you answer with  
24 words, not with nods or shakes of the head, not with uh  
25 huhs or ut uhs because those are difficult for the court



1 reporter to take it down, okay?

2 A. Understood.

3 Q. Have you reviewed any documents in preparation  
4 for your deposition this morning?

5 A. I reviewed some of the documents that -- that I  
6 had, yes.

7 Q. What did you review?

8 A. I -- I reviewed the latest ones that I did from  
9 Puerto Rico, the interrogation, I believe is what it's  
10 called or --

11 MS. HEVICON: Interrogatories?

12 A. That's right. And I also reviewed the  
13 termination letter that I had received from TSA.

14 Q. (By Mr. Helper) Anything else?

15 A. No, that's it.

16 Q. Okay. So you have not reviewed the affidavit  
17 you did in support of Chris Gahr's complaint a couple of  
18 years ago?

19 A. I did not.

20 Q. When's the last time you saw that document?

21 A. It's probably been a couple years ago.

22 Q. Okay. Okay. Have you had a chance to meet  
23 with your attorney before your -- the deposition over the  
24 last few days?

25 A. We spoke on the telephone.

9  
1 Q. Okay. I'm sorry. One other thing I forgot to  
2 mention, is if at any point you need to take a break, to  
3 stretch your legs, to talk with your lawyer, please just  
4 let me know and we'll gladly do so. We'll probably try  
5 to take breaks every hour or -- or a little bit more to  
6 let the court reporter rest her fingers, but if you want  
7 to do breaks on top of that, you know, let -- let us  
8 know. I would like to move things along pretty briskly,  
9 as I'm -- I'm sure you would, too, though our definitions  
10 of briskly might be different.

11 A. Understood.

12 Q. Okay. Other than testifying in connection with  
13 your job as a military policeman, have you ever testified  
14 in court?

15 A. No, I have not.

16 Q. Okay. When did you -- let me just run through  
17 your -- your career briefly. I've got your interrogatory  
18 answers. Is it correct that the highest level of  
19 education you've obtained is a high school diploma?

20 A. That is correct.

21 Q. Okay. And where did you work coming out of  
22 high school?

23 A. I went directly into the navy.

24 Q. Okay. And that's when you worked as a -- in  
25 the bomb disposal research center?

1 A. Yes, I did. I was a -- I was a navy  
2 photographer for the research center.

3 Q. Okay. And then you worked for the army after  
4 that?

5 A. I -- I spent four year in the navy, I was dis --  
6 honorably discharged from the navy and I joined the army  
7 about two months later.

8 Q. Okay. And what rank did you hold when you left  
9 the navy?

10 A. I was a petty officer third class.

11 Q. What's that, E -- E what?

12 A. E -- E4.

13 Q. Okay. And then what did you join the army as?

14 A. I joined the army as a private.

15 Q. Why did you do that? Why did you leave one  
16 branch of the service and go into another? What happened  
17 in between?

18 A. I wanted to be -- I wanted to be in the army  
19 bomb disposal business, and to be -- to do that in the  
20 navy I would have had to have been a diver, navy diver,  
21 also, and I'm not real fond of the water.

22 Q. Okay. When you left the navy, did you plan on  
23 joining the army?

24 A. I planned on joining the army, yes.

25 Q. Okay. So you started as a -- as an E1 in the

1 army?

2 A. Actually -- actually I started as an E2. When  
3 I finished basic training, the army gave me back my rank  
4 of E4 and I was a specialist after about three months, I  
5 believe it was.

6 Q. Okay. And what rank -- what's the highest rank  
7 you attained in the army?

8 A. I retired as a first sergeant.

9 Q. Which is E what?

10 A. E8. E8.

11 Q. Okay. And just briefly, run me through your --  
12 your duty stations and years of service.

13 A. Okay. My first duty station was Fort Belvoir,  
14 Virginia, I was a military policeman. I had applied for  
15 the bomb disposal school. You -- you had -- you had to  
16 be in the army and hold an MOS before you could actually  
17 apply for the bomb disposal school, so I was -- I was a  
18 military policeman. That was in 1977. I started the  
19 bomb disposal school in 1978. I graduated from -- from  
20 that school in '79. I returned to Fort Belvoir and I was  
21 assigned to the 57th ordinance detachment EOD and I was --  
22 I was there from '70 -- '79 until right around '82, I  
23 guess. In '82 I was selected to go to the ammunition --  
24 army's ammunition inspector school, I was stationed at  
25 Fort Eustace, Virginia, for -- for a very short time.

1 There was -- there was a critical shortage of bomb  
2 disposal technicians. They put me back into the bomb  
3 disposal unit at West Point, New York in 1983, and I  
4 served there for two years. In 1985 I was transferred to  
5 Alaska. I was a -- a member of a two man bomb disposal  
6 unit assigned to the army's cold region test center for  
7 about two years, and in 1987 I was transferred to Fort  
8 Wachuka, Arizona, to the bomb disposal unit there.  
9 During that time -- during the time I was assigned to  
10 Fort Wachuka, we deployed to the first Desert Storm. I  
11 served as -- I served as the detachment NCO of the unit  
12 when we deployed to Desert Storm. After about a year in  
13 Desert Storm, we returned to Fort Wachuka. Shortly after  
14 that, the army inactivated that particular bomb disposal  
15 unit and I was reassigned back to Fort Belvoir, Virginia,  
16 as the first sergeant of the bomb disposal unit there,  
17 and that's where I retired in 1993.

18 Q. Okay. And so you got your 20 years?

19 A. Yeah, just slightly over 20 years.

20 Q. Okay. Now, in May of '93 it says you started  
21 working as a civilian contractor on bomb disposal, and  
22 just again, briefly run through where you've been and  
23 where you -- just up till the time you started at TSA  
24 Maui in 2002.

25 A. I -- I went to work at Fort Sill, Oklahoma,

1 right after I retired as a contractor for -- for a  
2 civilian company, and we were doing bomb disposal cleanup  
3 work on Fort Sill. I worked there for a little bit more  
4 than a year. We finished the project -- excuse me, the  
5 fax is here.

6 Q. Okay.

7 A. I'm sorry.

8 Q. I'd ask you not to look at that while you're --  
9 because you'll get distracted while you're talking.

10 A. Sure, no problem. I -- after we finished the  
11 project at Fort Sill, for a short time I worked in a  
12 friend's motorcycle retail business as his sales -- sales  
13 manager/general manager. I was offered the position of  
14 area supervisor on the Kahoolawe cleanup project and I --  
15 I came to -- I came to Hawaii, I believe it was in 1998  
16 to work on the Kahoolawe cleanup project. I was in what --  
17 what the contractor business calls an area manager. I  
18 had approximately about -- oh, anywhere from 125 to 150  
19 people working for me on the Kahoolawe cleanup project,  
20 bomb disposal technicians, local laborers, local hires  
21 from Maui, natural resource people, archeologists, pretty  
22 much everybody that worked on the island. I'm -- I don't  
23 remember the exact dates, but I was there for three,  
24 maybe -- I guess almost four years, something like that,  
25 and I applied on line for the TSA screen manager's

1 position at the Kahului airport, and I'm guessing it was  
2 about eight months, ten months later I received a call  
3 from someone in Washington, DC, saying that I had been  
4 selected to take that position on Maui.

5 Q. And I'm sorry, I think you said where you were  
6 from '93 to '98 but I -- I was writing down something  
7 else and -- were you doing bomb disposal at that point?

8 A. In -- from '93 until -- until June of -- of '94  
9 I was doing bomb disposal work at Fort Sill. We  
10 completed the project and from '90 -- from probably July  
11 until '98, July of '94 till July of '98 I worked as a  
12 sales manager and -- and the last year or so general  
13 manager of a motorcycle retail business in Sierra Vista,  
14 Arizona.

15 Q. Okay. And how did you find out about the  
16 Kahoolawe project?

17 A. The project manager was one of the guys I had  
18 worked with earlier at Fort Sill, and he called me and --  
19 and asked me if I would like come over there as one of  
20 the area managers.

21 Q. And who was that?

22 A. Well, there were actually two people involved  
23 in that. One was a guy named Pat Patterson, and the  
24 second fellow was -- Pat Patterson was the senior -- what  
25 we call the senior UXO specialist, and the project



1 manager's name was a -- a George Demetropolis, and  
2 they're the two fellows that -- who offered me the  
3 position on Kahoolawe.

4 Q. And these were not federal employees, is that  
5 correct?

6 A. No, they were -- they were also contractors  
7 like myself. We worked for a company called UXB  
8 International, who was the prime contractor for the  
9 Kahoolawe cleanup.

10 Q. Okay. And did you work with any -- work  
11 regularly during your time on Kahoolawe with anybody  
12 employed with the federal government?

13 A. On Kahoolawe?

14 Q. Yes.

15 A. Yeah. We worked directly for the navy and  
16 there were -- there were about six or eight navy civil  
17 servants that worked on Kahoolawe.

18 Q. Do you recall any of their names?

19 A. Yeah, I do. In fact, I just worked with him in  
20 Puerto Rico this winter, and now that you asked me his  
21 name, I can't remember it. Carlton Fisk. His name is  
22 Carlton -- Carlton Fisk, he was the senior civil servant  
23 on Kahoolawe that we -- we basically answered to.

24 Q. You're not getting the name mixed up with the  
25 baseball player Carlton Fisk, are you?



1 A. Oh, no, no.

2 Q. No?

3 A. His real name is Carlton Fisk.

4 Q. Okay.

5 A. And he is -- he's a retired navy chief petty  
6 officer.

7 Q. Okay. Sounds like an unusual name. Okay. And  
8 why did you decide to leave, or why did you leave the  
9 Kahoolawe project?

10 A. I -- I wanted to -- it had been a goal of mine  
11 to get into civil service. I had a little bit over 20  
12 years federal service with the army and the navy. If I  
13 could have gotten ten additional years, at age 55 I would  
14 have been able to retire again at -- at my civil service  
15 rank instead of my army rank.

16 Q. Okay.

17 A. And there's a -- certainly a financial benefit  
18 to doing that.

19 Q. Any other reason? So -- so how many -- had you  
20 applied for other federal jobs in the time that -- after  
21 you left the army?

22 A. I had never applied for -- I had investigated  
23 some jobs. I had -- I had actually taken the -- not the  
24 border patrol but the customs. I took a test, a written  
25 test for customs inspector but I had never applied for

1 any other position.

2 Q. Okay. Let's jump ahead to the time after you  
3 left TSA. What job did you obtain after -- obtain after  
4 that?

5 A. I -- the day after I was terminated I went back  
6 to work on Kahoolawe as a UXO technician two. Our -- our  
7 system is -- we have UXO technician ones, which are  
8 basically our apprentices, then we have technician twos,  
9 technician threes, which are supervisors. We have safety  
10 officers, we have quality assurance officers, area  
11 managers and the senior UXO person of the project. And I --  
12 the only position that was open was a technician two  
13 position, and that's what I went back to Kahoolawe at.

14 Q. And how long -- just take me -- walk me through  
15 your career in the following months and years.

16 A. I basically stayed on Kahoolawe until the end  
17 of Kahoolawe when the project was completed.

18 Q. When was that?

19 A. It was completed in February of '94.

20 Q. Okay.

21 A. I'm sorry. I'm sorry, 2004.

22 Q. That makes more sense.

23 A. Yes. At the end of Kahoolawe I got a position,  
24 same thing, bomb disposal cleanup work at the former  
25 Lowry Bombing and Gunnery Range here in Aurora, Colorado,

1 so I basically moved myself and my family from Maui to  
2 Colorado. I worked here at the Lowry Bombing Range until  
3 August of -- August of 2004, and in August I went to Iraq  
4 as a senior UXO supervisor of a team working in Iraq.

5 Q. And how long --

6 A. I stayed -- I stayed in Iraq until April of  
7 2005.

8 Q. So how long were you there total in -- in Iraq?

9 A. About eight months.

10 Q. Okay. And then what -- since returning from  
11 Iraq, where have you been?

12 A. I -- I -- when I returned from Iraq, I took  
13 about two months off, I worked for a company called URS  
14 doing the same exact business at the F. E. Warren Air  
15 Force Base in Cheyenne, which is about 100 miles from --  
16 from my home here in -- in Aurora. That closed for the  
17 winter last -- the end of October of 2005, and I took a  
18 position in Puerto Rico cleaning the former naval bombing  
19 range on Viegas Island, which I just returned a couple  
20 days ago back here to Colorado because we will be  
21 restarting our project at F. E. Warren Air Force Base  
22 next week.

23 Q. Now, how did your salary at Kahoolawe, how did  
24 that compare to what you were making at TSA?

25 A. It was almost identical. Within a few dollars

1 of being the same.

2 Q. Okay. And since starting at Kahoolawe, have  
3 you taken any pay cuts or have you gotten pay raises in  
4 that time?

5 A. Well, my -- the -- the position I went back to  
6 Kahoolawe, the technician two, was -- that was \$13,000 a  
7 year less than -- than what I had been making. Since  
8 I've left Kahoolawe, my -- my pay has gone up. My -- my  
9 eight months in -- in Iraq was a very significant pay  
10 raise.

11 Q. As well it should be.

12 A. What I make -- it wasn't enough.

13 Q. Okay.

14 A. What I make now is -- is about equal to what I  
15 was making on Kahoolawe when I was an area manager.

16 Q. Okay. So let me see if I got this right. As  
17 an area manager, you made a certain amount and then when  
18 you switched over to TSA, you were making about the same,  
19 then when you left TSA you took a pay cut to get your  
20 Kahoolawe -- a different lower level Kahoolawe job?

21 A. That is correct.

22 Q. Okay. And are you including the COLA that you  
23 got as a TSA employee in your calculations?

24 A. Yes, that is also correct. With -- with the  
25 COLA that we received I made about the same -- probably

1 just a little bit less, but almost the same as I had been  
2 making on Kahoolawe.

3 Q. Okay. Okay. Where did -- where did you live  
4 while you were working on Kahoolawe?

5 A. I actually rented several different homes, but  
6 the -- the last home was in Wailuku.

7 Q. Okay. And did you live there on your own?

8 A. No. My family was with me, my son, my wife and --  
9 and myself.

10 Q. How old is your son now?

11 A. My son now is 22.

12 Q. So he was about 14 when you moved to Hawaii?

13 A. He -- he was a -- he started his freshman year  
14 in high school and graduated in -- in Maui, and I think  
15 we spent almost another -- well, we did spend another  
16 full year after he was out of high school there.

17 Q. Before you moved to Maui, had you ever lived in  
18 any neighborhood or area where Caucasians were the  
19 minority?

20 A. Where they were the minority, probably not  
21 where they were the minority. No.

22 Q. Had -- had you ever lived in any area with  
23 substantial numbers of non Caucasians, any neighborhood?

24 A. Yes. The years I was stationed at Fort  
25 Wachuka, Arizona, we -- we had certainly a large

1 population of Hispanic people.

2 Q. Anyplace else?

3 A. Well, I -- I lived in northern Virginia and the  
4 Washington, DC area, and certainly, you know, I guess  
5 that almost qualifies as probably being a minority. The --  
6 the -- the black population there is -- is fairly high,  
7 so certainly that was a -- a large population of -- of  
8 black neighbors in that area.

9 Q. Where did you live in Virginia?

10 A. I lived in Alexandria, Virginia the first time.  
11 The second time I was stationed there as the first  
12 sergeant of that unit, I actually lived inside the  
13 Washington -- in the District of Columbia because we had --  
14 we had an office on Fort Belvoir, Virginia, we also had  
15 an office in the old executive office building on the  
16 White House grounds so I -- I needed to be there quite --  
17 on a quite regular basis so I -- I actually lived in DC.

18 Q. Before you came to -- started working at TSA,  
19 had you ever had a non Caucasian immediate supervisor?

20 A. Yes, on several -- several occasions.

21 Q. What were those occasions?

22 A. I -- my -- my first sergeant at Fort Wachuka, I  
23 was the operations sergeant. When I first arrived there,  
24 he -- he was a black soldier that retired and I took over  
25 his position about a year after I was there. And my team

1 leader when I was first stationed at Fort Belvoir, my --  
2 my team leader was a Puerto Rican soldier that I worked  
3 for for I guess about three years.

4 Q. Any other occasions in which you were directly  
5 supervised by a non Caucasian?

6 A. Not -- not that I remember. No.

7 Q. Okay. Okay. Now, I think you said that you  
8 had heard about an opening at TSA Maui some months before  
9 you actually started work, right?

10 A. It was -- it was probably almost eight to ten  
11 months before I actually started work, yes.

12 Q. And tell me about the application process that  
13 you went through.

14 A. I -- I applied on line with, with an on line  
15 application, and I -- I mailed -- they -- on -- on line  
16 they furnished an address to mail a resume to, and that's --  
17 was the whole process of applying.

18 Q. Do you recall if that address was a federal  
19 government address or a contractor's address?

20 A. That was a federal government address.

21 Q. The on line -- the web site that you accessed,  
22 do you recall what the web site address was or anything  
23 about it?

24 A. It was -- it was a government web site.

25 Q. Do you recall any kind of interaction with a NS --



1 an outfit called NSC Pearson -- NCS Pearson?

2 A. No. Because screening managers and above were --  
3 were not hired through -- through that contractor system.

4 Q. Okay. So you filled out an application and how --  
5 how did you know you were going to be a screening  
6 manager?

7 A. I was contacted by telephone by Lowrey Leong,  
8 and he asked me a few questions, probably a -- a five  
9 minute conversation, and I did hear from him one -- one  
10 additional time. He wanted to verify some -- some of the  
11 information, and sometime after that I received a call  
12 from a -- a official in Washington, DC who offered me the  
13 position.

14 Q. And tell me about what you recall from your  
15 conversations with Lowrey Leong before you got hired.

16 A. I -- I honestly don't remember a lot of it, but  
17 I know he wanted to know if I -- if I was living on Maui,  
18 what -- what I was doing on Kahoolawe. That's basically  
19 about all it was. It was a pretty short conversation.

20 Q. Did he indicate to you that he had any  
21 paperwork or documentation from your application or  
22 anything else on your background?

23 A. He didn't indicate anything like that.

24 Q. Okay. Did he indicate anything -- did he  
25 indicate that he didn't have any paperwork?



1           A.       No. He -- he simply -- I -- I remember him  
2 asking me if I -- why -- if I lived on Maui, what were  
3 some of my duties on Kahoolawe, and that he was -- he was  
4 looking at different -- he did -- he did indicate he was  
5 looking at different resumes.

6           Q.       Okay.

7           A.       But he didn't say any more than that, and then  
8 like I said, he -- he did call me one additional time. I --  
9 I -- I'm not real sure what -- what the second phone call  
10 was, I know it was very short, and then I did not hear  
11 anything for probably two or three months after that. I  
12 had never -- I never heard anything again until I  
13 received a call from Washington, DC saying I had been  
14 selected and -- and to report to work.

15          Q.       Okay. And did you have -- other than your  
16 conversation with Lowrey Leong, the two conversations  
17 with Lowrey Leong that you've described, did you ever  
18 talk to anybody with TSA in any capacity up till the date  
19 you showed up for work?

20          A.       I did -- I did have one opportunity. I went  
21 with someone to the TSA. It was -- it was -- it was a  
22 room set up in the -- one of the hotels in Kihei, and  
23 they had -- they had a room full of computers for -- for  
24 people to come in and apply for screener positions, a --  
25 a -- a room full of computers just -- just for people to

1 walk in off the street and set down and fill out an on  
2 line application for -- for the screener positions. And  
3 I -- I -- at one time I actually rented a room to a  
4 person who -- who went down, and -- and that's who I went  
5 with to apply for a position, but there was someone there  
6 from -- well, they weren't from TSA though, they were  
7 from the FAA that were kind of overseeing this little  
8 operation. They weren't TSA though, but other than that,  
9 I never spoke to anyone.

10 Q. And I think you also mentioned a -- a phone  
11 call where they actually tell you -- told you you've been  
12 hired, right?

13 A. Yes. That's -- that's correct.

14 Q. And -- and who was that from?

15 A. That was the -- that was a civil service HR  
16 office in Washington, DC.

17 Q. And did they tell you what job you were being  
18 hired for?

19 A. Yes, they did.

20 Q. Had Mr. Leong talked to you about a screening  
21 manager job when you spoke with him?

22 A. Yes, he -- yes, he did.

23 Q. When you applied, did you -- were you applying  
24 for a screening manager job or just a job with TSA in the  
25 new airport security office or --

1 A. No.

2 Q. -- did you --

3 A. No, I applied -- I applied -- I knew I was  
4 applying for screener manager.

5 Q. Okay. How did you know that?

6 A. It -- it was a job announcement for that  
7 particular position.

8 Q. Where did you see the announcement?

9 A. On -- on the government -- government job web  
10 page.

11 Q. Okay. And was that a web page you checked on  
12 occasion to see what was out there?

13 A. Yeah, I -- I used to check that on a pretty  
14 regular basis.

15 Q. Okay. And what was your understanding as to  
16 what a screening manager did at the time that you were  
17 applying and going through the application process before  
18 you started?

19 A. Well, it wasn't a lot of information about what  
20 a screener manager did, but it -- it basically said you --  
21 you -- you're the shift supervisor for a group of  
22 screeners. It didn't go into really any kind of detail,  
23 just -- it just said screener manager, supervise a shift  
24 of screeners or something to that effect. Very -- it was  
25 not detailed at all what the duties were.

1 Q. Now, you're saying screener manager as opposed  
2 to screening manager. Is that your understanding of what  
3 your title was, screener manager?

4 A. My job title, my position was screener manager,  
5 as far as I can remember.

6 Q. Okay.

7 A. There -- there's --

8 Q. Okay. Had you ever done any screening of  
9 airline passengers in your life before you started  
10 working TSA?

11 A. Yes. I -- I had fairly extensive experience  
12 doing it.

13 Q. Where?

14 A. Both occasions that I was stationed at Fort  
15 Belvoir, Virginia, we -- we were the -- our army bomb  
16 disposal unit was designated army bomb disposal unit VIP.  
17 We were attached to the Secret Service in Washington, DC  
18 and we -- we were the -- we were the bomb disposal unit  
19 for the Secret Service. We did all the screening for all  
20 the passengers and luggage that went onto Air Force One  
21 or any airplane that the Secret Service provide --  
22 provided protection for.

23 Q. So who did you screen getting onto Air -- Air  
24 Force One?

25 A. Anyone that got on that plane other than the

1 president or -- or -- or -- or the -- or his immediate  
2 party that traveled in his little inner circle detail.  
3 Press people, anyone. Congressmen, governors, anyone  
4 that was getting on Air Force One, and we didn't do it  
5 just for Air Force One, we also screened all the people  
6 that came onto the White House grounds, also, and all  
7 their packages and luggage and things like that.

8 Q. So any other occasions on which you screened --  
9 did any kind of weapons or explosives detection work on  
10 people other than your work with the White House?

11 A. Well, we -- we provided our service for any --  
12 any detail they needed in Washington, DC during the  
13 campaign periods. We traveled all over the country with  
14 them. I also provided that service for the State  
15 Department security. They were considered lesser  
16 protectees. The State Department did like the heads of  
17 other countries, the Secret Service of course does the  
18 president, the vice president and anyone he designates,  
19 you know, that needs Secret Service levels protection.

20 Q. Maybe I can -- let me ask you this way. What  
21 years did you perform screening duties of any sort,  
22 whether for getting onto a particular building, getting  
23 to a particular building or getting onto a -- an airplane  
24 or any context in which you screened individuals for  
25 explosives or weapons? What years did you --

1 A. Well, from -- from 1979, April of 1979 until  
2 literally the day I retired in May of 2003.

3 Q. '93?

4 A. Yeah. May of 1993.

5 Q. Okay.

6 A. Is when I retired.

7 Q. And how much of your time would you estimate  
8 during that 14 year time frame did you spend screening  
9 people?

10 A. More than 50 percent.

11 Q. Okay. Now, did you do any screening work  
12 following May of 1993?

13 A. I did not.

14 Q. Okay. Now, when you first -- what was your  
15 first contact with anybody at TSA Maui after you learned  
16 you had been hired?

17 A. My first contact was I -- I -- I called Lowrey  
18 Leong's office and asked if I would be able to come in  
19 and meet with him. I was given a time to come in and  
20 I -- I believe this was probably in early October, and I  
21 went to his office and I met with him for five minutes  
22 probably just a few days before I actually started work.

23 Q. Okay. Was anybody -- was anyone else present  
24 other than Mr. Leong when you met with him?

25 A. Yeah, his office was full of people when I got

1 there. Well, there's two offices at that particular  
2 time, there was a -- maybe a room by -- 20 by 20 and a  
3 smaller office to the side that was his. When I knocked  
4 on the door, there were probably four people in the outer  
5 office, there was about a half dozen people in his office  
6 with him, and I was asked to wait outside. He actually  
7 didn't meet me in his office, he came out and he spoke to  
8 me in the hallway in the airport.

9 Q. In the hallway or in this larger of the two  
10 rooms you're talking about?

11 A. No. In the hallway of the airport.

12 Q. So you came into the larger room from the  
13 hallway, right?

14 A. From -- I knocked -- I knocked on the door from  
15 the hallway of the airport of the larger office, yes.

16 Q. Did you ever go in that larger office room?

17 A. I stepped in a couple feet and I -- I was asked  
18 to wait outside.

19 Q. By who?

20 A. I'm pretty sure it was Fil Carvalho.

21 Q. Okay. And I -- is this the occasion when you  
22 claimed to have heard someone say something about your  
23 race?

24 A. I -- I -- I don't claim to, I -- I heard it.

25 Q. Well, okay, tell me what happened.

1           A.       I was asked to stand outside in -- and they  
2       were going to get Mr. Leong to -- to meet with me, and I  
3       actually during that particular incident, I heard two  
4       things. I heard a woman's voice basic -- yeah, it was a  
5       woman's voice almost immediately as I stepped back out, I  
6       heard a woman's voice say what the fuck, he's -- he's not  
7       he's a -- he's a fucking haole. And I was a little bit  
8       shocked and -- and within just a few moments of that, I  
9       heard a man's voice say I thought he was a local guy.  
10      And honestly, I didn't know what to think at that  
11      particular moment.

12           Q.       Okay. Now, when you looked into the -- this  
13      larger of the two rooms you said there was -- there were  
14      four people in there, approximately four?

15           A.       Filbert Carvalho was in there, Patti and I -- I  
16      don't even remember how to pronounce her last name, but  
17      she was also a screening manager, was in there. There  
18      was a secretary who was from a temporary service that was  
19      the secretary for that office, and there were probably in  
20      in -- in Leong's little office there was probably five or  
21      six people, and I believe they were probably from the  
22      roll out team that was there getting everything ready to --  
23      to go from the Wackenhut security to the new TSA  
24      screeners.

25           Q.       Are you talking about the MSF?



1 A. Yes.

2 Q. Okay.

3 A. Yes.

4 Q. Did you recognize or -- or did you come to  
5 learn the identities of any of the people in -- who you  
6 saw in Mr. Leong's -- oh, I'm sorry, yes, in Mr. Leong's  
7 office that day?

8 A. I -- I didn't know really anyone other than  
9 Lowrey that was in that office, and I -- I didn't know  
10 anyone in any of the two offices, but I did come to learn

11 Q. Right.

12 A. -- who Patti was and who Filbert was and who  
13 our secretary was. Most of the people that were in there  
14 probably left, were actually gone before I physically  
15 started work.

16 Q. Okay. Now, the voice that you heard, the --  
17 the two voices that you heard, the male voice -- or the  
18 female voice saying fucking haole, did you later identify  
19 who you believe said that?

20 A. I'm -- I'm very much sure it was Patti.

21 Q. Okay. And how about the male voice saying I  
22 thought he was local or I thought he was from here?

23 A. I'm very sure it was Filbert Carvalho.

24 Q. Okay. And both of them were in the -- the  
25 larger of the two offices, right?

1 A. Yes. They were.

2 Q. And you could hear these comments through a  
3 closed door?

4 A. Well, the door was still partially open.

5 Q. Okay. Was the voice at a volume where you  
6 would expect that the people in Mr. Leong's office could  
7 have heard it, too?

8 A. I believe they should have been able to hear  
9 it.

10 Q. Okay. And you can't identify anybody by name,  
11 anyone else who would have heard that statement other  
12 than the people you've already named?

13 A. That is correct.

14 Q. And the people who were on the mobile screening  
15 force, they were -- were they Caucasian?

16 A. I'm sure some of them must have been. I -- I  
17 really -- I can't say yes or no one way or the other.

18 MS. HEVICON: Actually, at this point I  
19 want to interject something. If you're asked a question,  
20 please don't guess or speculate as to an answer. If  
21 you're giving an estimate, please let us know that it is  
22 an estimate, but just don't out of the blue speculate on  
23 something, okay?

24 A. Okay.

25 MS. HEVICON: Thanks.

1 A. Okay.

2 MR. HELPER: Now you threw me off.

3 MS. BUXTON: You -- you were asking  
4 about the race.

5 Q. (By Mr. Helper) Right. Right. What was the --  
6 give me a physical description of the secretary who was  
7 in the -- the larger of the two rooms?

8 A. She -- she was -- she was Caucasian. Other  
9 than that, I can't --

10 Q. How old was she?

11 A. Middle age, maybe a little bit younger.

12 Q. Height, weight?

13 A. Oh, I -- I'm going to have to guess if I give  
14 you a description.

15 Q. Well, you saw -- you have some recollection,  
16 you have some picture in your mind of her as you sit here  
17 right now?

18 A. I do.

19 Q. Okay. So I think we can call that an estimate  
20 even if you want to say it's a very ball park estimate.

21 A. I would say she was -- I would say she was  
22 between five six and five eight, 130 to 140 pounds maybe,  
23 30 to 35 years old.

24 Q. And you would -- when you were a military  
25 policeman, you'd have to estimate people's heights and

1 weights on -- with some regularity, wouldn't you?

2 A. Yes.

3 Q. Okay. And -- and provide physical descriptions  
4 of those people -- of people?

5 A. Yes, but that was many years ago.

6 Q. Okay. Okay. Did you tell anybody about this  
7 incident over the next few days, about what -- the  
8 incident, and I'm referring to the -- the exchange about  
9 your racial background?

10 A. I did not.

11 Q. When is the first time you told anyone about  
12 this conversation that you'd overheard or this exchange  
13 about your racial background that you overheard on your  
14 first day or when you met with Mr. Leong for the first  
15 time in person?

16 A. I -- I didn't tell anyone about it.

17 Q. Well, you put it -- you put it in an affidavit  
18 that's dated -- let me look at the date here. August 8,  
19 2003, and that's how I know about it. So I'm wondering  
20 if before August 8 of 2003 you told anyone about the  
21 conversation regarding your racial background when you  
22 first met with Lowrey Leong?

23 A. I -- I put it in a letter that I wrote to the  
24 TSA civil affairs office very shortly after I was  
25 terminated.

1 Q. Okay. And I'm looking at that letter and I  
2 think that's probably was faxed to you, that's November  
3 21 of 2002. Does that sound about right?

4 A. That -- that's not when I first wrote the  
5 letter. I -- I first wrote the letter in November of --  
6 just a matter of a day or two after I was terminated.

7 Q. Okay.

8 A. Maybe a week after I was terminated.

9 Q. Why don't you pick up the fax that I -- that I  
10 sent you?

11 MS. HEVICON: May I see it?

12 MR. HELPER: Yeah.

13 MS. HEVICON: Thank you.

14 MR. HELPER: And I'm going to ask that  
15 this marked -- be marked as Exhibit A. And as a matter  
16 of fact, it's a -- it's really two different documents.  
17 I'm going to take -- unstaple it and take it apart.

18 (Affidavit marked Exhibit A.)

19 Q. (By Mr. Helper) This top document is a ten  
20 page affidavit with your signature on it, is that  
21 correct?

22 A. That is correct.

23 Q. The handwritten -- and most of it's  
24 typewritten, is that correct?

25 A. That is correct.

1 Q. And there's some initials on the bottom of each  
2 page. Are those your initials?

3 A. That is.

4 Q. And I --

5 A. Yes.

6 Q. I asked that wrong. You -- you wrote those  
7 initials?

8 A. Yes, I did.

9 Q. Okay. And is your signature at the top of the  
10 last page, right?

11 A. Yes. That's correct.

12 Q. That entirely illegible scrawl, and then --

13 A. That is -- yes. That is correct.

14 Q. Okay.

15 A. That's my signature.

16 Q. And then I think stapled to that is what  
17 appears to be a five page letter with the date on it  
18 November 21, 2002?

19 A. Yes, it is.

20 MR. HELPER: Okay. And let me ask our  
21 court reporter if she can detach that from her copy and  
22 let's make that Exhibit B, so just a little bit of a  
23 break here while she works on it. I'm sorry.

24 (Letter dated November 21, 2002 marked  
25 Exhibit B.)

1 Q. (By Mr. Helper) Ready? Okay. Exhibit B,  
2 that's your signature -- I'm sorry, it's not signed,  
3 right? The copy that we have is not signed?

4 A. That's correct.

5 Q. Do you recall if you might have mailed this  
6 letter without signing it?

7 A. No. I believe this letter was signed, this --  
8 this letter was signed when I mailed it. This is the  
9 first letter I ever mailed to anyone.

10 Q. Okay. I'm not sure it really matters but I --  
11 I think that the copy I'd given you is right out of the  
12 EEO files, so it seems to be, you know, I can't speak for  
13 their recordkeeping, but it seems to be their -- the copy  
14 that they were working off of or using. Do you have any  
15 recollection or -- or can you reconstruct how they might  
16 have gotten a copy of this unsigned?

17 A. I -- I do not know how they would have gotten  
18 this unsigned letter.

19 Q. Okay. Did you -- I -- I take it you only sent  
20 one letter to the Office of Civil Rights, is that  
21 correct?

22 A. This is the first letter I sent. I -- I  
23 answered -- they -- they would return letters to me that  
24 I answered and provided information. There were several  
25 letters sent back and forth between myself and the Office

1 of Civil Rights.

2 Q. Now, I have the -- the affidavit that is  
3 Exhibit A. I have that. Is it your testimony that there  
4 was also correspondence between yourself and the Office  
5 of Civil Rights?

6 A. There were other -- there were other documents.

7 Q. Go off the record just for a second and talk to  
8 my co-counsel here and opposing counsel. Do you have  
9 that?

10 THE VIDEOGRAPHER: It is now 10:31 and  
11 we're going off the record.

12 (Discussion off the record.)

13 THE VIDEOGRAPHER: The time is now  
14 10:32 and we're back on the record.

15 Q. (By Mr. Helper) Other than Exhibits A, Exhibit  
16 B and the correspondence you've had with TSA, have you  
17 ever provided any written account to anyone other than  
18 your attorneys about your employment at TSA?

19 A. I have not.

20 Q. And have you ever kept any notes or journals  
21 about your employment at TSA that you didn't provide to  
22 any -- that you haven't provided to anyone?

23 A. I -- I had a notebook at work at TSA that I was  
24 not allowed to retrieve when I was terminated.

25 Q. And I -- I think it's your testimony that it



1 was Mr. Tagomori who told you you could not get that  
2 notebook?

3 A. He -- he refused me to -- he refused permission  
4 for me to go into the screening area and retrieve that.

5 Q. Where was that notebook the last time you saw  
6 it?

7 A. We each had a -- each screening manager had a  
8 little mailbox type thing, basket with our names on it,  
9 and it was in that basket when I last saw it.

10 Q. Where were the baskets?

11 A. They were in the screening area. There was a  
12 small, little office with one desk right near the  
13 screening -- near the X-ray machines and the -- in that --  
14 that area, in that screening area, and the basket was on  
15 the desk.

16 Q. Well, can you describe the notebook for me?

17 A. I -- I don't remember, I mean it's just a  
18 standard spiral notebook.

19 Q. Eight and a half by eleven?

20 A. I don't believe it was that big.

21 Q. I mean --

22 A. It -- it was smaller. It was -- it was a  
23 small, maybe eight tall by four or five inches wide,  
24 spiral bound notebook.

25 Q. And what sort of things did you write in this

1 notebook?

2 A. I -- I kept notes if I -- if I was told  
3 anything, if -- if any information came down from Filbert  
4 Carvalho. Filbert would make decisions on -- on certain  
5 screening procedures, different things he wanted us to  
6 do, and -- and I would log it in there. Some of the  
7 things that I overheard, some of the things that had been  
8 told to me, I had a little section in the back of it that  
9 I kept some notes in that I thought were pretty important  
10 at the time.

11 Q. Okay. Did you write down in this notebook  
12 about overhearing an exchange between Patti and Filbert  
13 about your racial background?

14 A. I did.

15 Q. When did you make that? When did you write it  
16 down?

17 A. I wrote that in when I was a party to another  
18 conversation with Patti and -- and some screeners that  
19 had asked -- a screener -- a married screener couple had  
20 asked us some questions and -- and because of what -- the  
21 answer that they received from Patti, I had wrote that  
22 down, and at that same time that's the first time I  
23 remember I added the things I heard previous to that and  
24 I said I need to -- I need to keep some notes of some of  
25 this stuff.

1 Q. And did you show that notebook to anyone ever?

2 A. I did not.

3 Q. Okay. So you wrote both sort of work related  
4 instructions in there and then personal concerns as well?

5 A. I did.

6 Q. Anything else that you would write in there, in  
7 your notebook?

8 A. No, just -- no. That was about it.

9 Q. Okay. How many pages were written on in this  
10 notebook? You can estimate, obviously.

11 A. Oh, I'm going to estimate that work related  
12 pages there were probably -- oh, probably 15 to 20 pages,  
13 and personal notes, about two, two and a half pages.

14 Q. And when you say -- when you're distinguishing  
15 between work related and personal notes, a personal note,  
16 as I understand the way you're using it, might be  
17 something that -- and a supervisor said to you or  
18 something you observed, but it wasn't directly to do with  
19 your -- the discharge of your duties. Is that fair?

20 A. That's fair.

21 Q. Okay. And the work related notes are this is  
22 what I need to know to do my job kind of things?

23 A. Yes.

24 Q. Okay. And so looking back at Exhibit B again,  
25 does this appear to -- with the exception of your

1 signature being missing from Exhibit B, does this appear  
2 to be the letter that you sent to the Office of Civil  
3 Rights in November of 2002?

4 A. Yes, it is.

5 Q. And would you have mailed this on November 21?  
6 Did you mail this on November 21?

7 A. I -- I think I did mail it on November 21 and I  
8 remember I'm -- I mailed it registered mail.

9 Q. Okay. And I think you said earlier that you  
10 started to write this letter before November 21, right?

11 A. I did.

12 Q. When did you start to write the letter?

13 A. I think it was probably around the 13th, 12th  
14 or 13th, 14th, something like that, of -- of November.

15 Q. Now, when did you learn that your employment  
16 was going to be terminated?

17 A. Well, it was -- it was literally in the middle  
18 of one of my shifts in the evening. I don't remember the  
19 exact date, I'd have to look at one of these notes to  
20 give you the exact date.

21 Q. When you say look at one of these notes, what  
22 do you mean, you mean look at the --

23 A. Or this -- I believe it's in this letter, the  
24 exact date that I was terminated.

25 Q. Were you -- I think you said you looked at your

1 termination letter. And you actually have your  
2 termination letter available to you now, right?

3 A. I do.

4 Q. Okay. Did you receive the termination letter  
5 the same day that you were -- learned you were going to  
6 be terminated?

7 A. I did.

8 Q. Okay. And if you want to take a look at that  
9 letter, that might refresh your recollection as to the  
10 date of that incident.

11 A. November 13.

12 Q. Okay. So am I correct that the first time you  
13 told anyone about the exchange between Patti and Filbert  
14 about your racial background when you first met -- went  
15 to meet with Mr. Leong before you started work, the first  
16 time you informed anyone of that, overhearing that  
17 conversation was in your letter dated November 21, is  
18 that correct?

19 A. Could I have a moment to speak with Denise?

20 MR. HELPER: Yeah.

21 THE VIDEOGRAPHER: Off the record?

22 MS. HEVICON: Yeah. I've got to call  
23 him. I'll call you.

24 THE VIDEOGRAPHER: The time is now  
25 10:41.

1 (Discussion off the record.)

2 THE VIDEOGRAPHER: The time is now  
3 10:50 and we're back on the record.

4 MR. HELPER: And if I could ask the --  
5 what -- what time we went off?

6 THE VIDEOGRAPHER: We went off the  
7 record at 10:41.

8 MR. HELPER: Okay. So we've been off  
9 the record for about nine minutes here.

10 Q. (By Mr. Helper) Do -- I -- I would assume you  
11 would want the question repeated?

12 A. Please.

13 MR. HELPER: If I could ask the court  
14 reporter to read it back.

15 (The reporter read back the pending  
16 question.)

17 MS. HEVICON: Did you hear that?

18 A. I -- I did. Well, like I -- speaking with  
19 Denise, as I'm sitting here thinking about this, I do  
20 remember some additional things that I need to explain.

21 Q. (By Mr. Helper) Please.

22 A. On the -- on the conversation that I overheard  
23 outside of the office door, I did talk to Patrick Collins  
24 one time, I shared some of that -- what I had heard with  
25 him very early on in my employment. There was a second

1 incident where something was said by Patti that wasn't  
2 appropriate and I had actually -- I do remember telling  
3 Filbert Carvalho about that conversation because I was  
4 there. I was part of the conversation with this married  
5 screening couple, Patti, myself, and I shared that with  
6 Filbert Carvalho.

7 Q. Okay. Right now I'm just asking you about this --  
8 this comment or the exchange between Filbert and Patti  
9 that you say you overheard before you started work.

10 A. Yes.

11 Q. Is it --

12 A. I -- I shared that conversation with Patrick  
13 Collins on one occasion.

14 Q. And when did you talk to Patrick Collins about  
15 the conversation you overheard between Patti and Filbert  
16 about your racial background?

17 A. It -- it was within the first three days. I  
18 believe it was probably the very first day because I was  
19 kind of piggy backing with Patrick, he was showing me --  
20 kind of showing me the ropes for the first three days.

21 Q. And what did -- tell me about your conversation  
22 with Patrick Collins on that day.

23 A. Later in the day, I -- after a few hours of  
24 being with him, I -- I said basically Patrick, I want to  
25 share something that I had heard, kind of see what his

1 thought about it was and -- and I told him and he  
2 basically kind of laughed and said well, that's just  
3 Patti. She -- she talks a lot and she says a lot of  
4 inappropriate things, and I go they're very  
5 inappropriate, and that's -- I just was trying to get a  
6 feel if -- if I was being paranoid or if -- if there were  
7 other people that thought that way or -- but that was  
8 kind of the extent of the conversation.

9 Q. Okay. Other than your conversation with  
10 Patrick Collins, or -- is it correct that the only person  
11 you told about your conversation -- let me start over.  
12 The only person you told about overhearing a conversation  
13 between Patti and Filbert about your racial background,  
14 the only person you told about that while you worked at  
15 TSA was Patrick Collins?

16 A. Yes. That is correct.

17 Q. And you didn't tell anybody else about  
18 overhearing that conversation until you wrote your letter  
19 of November 21, dated November 21 of 2002, correct?

20 A. That is correct.

21 Q. Okay. And now, tell me about was -- was there  
22 anything else that occurred during -- I'm sorry. You  
23 said you -- you met with Lowrey in the hallway after you  
24 overheard this conversation, right?

25 A. That is correct.



1 Q. Tell me about that conversation with Lowrey,  
2 Lowrey Leong?

3 A. Pretty basic. I -- I introduced myself, asked  
4 him if there were any SOP type books that I might be able  
5 to read or -- or study before I actually started probably  
6 two, three days later. He -- he told me there wasn't  
7 anything, there weren't any written SOPs or guidelines or  
8 or publications that I could read, and just to show up  
9 for work, and then he'd put me with one of the other  
10 screening managers and go to work. It was a very basic,  
11 short conversation.

12 Q. Did he appear to be surprised by your  
13 appearance as far at all as you could tell or surprised  
14 by anything?

15 A. He -- actually there was a -- he -- he asked me  
16 if I had been a screener, a government screener before  
17 and I -- I said no, I came out of the military, I'd been  
18 doing what I'd been doing and he was -- he did appear  
19 somewhat surprised that I -- I got the impression that he  
20 thought I was a screener previous, a government screener  
21 previous to -- to this episode or this -- this incident  
22 when I met with him.

23 Q. Well, you were a former government employee who  
24 screens people, right?

25 A. Well, I was -- I was an army bomb squad first

1 sergeant that screened all the luggage and passengers  
2 going onto Air Force One and I told -- and -- and I -- I  
3 believe we did talk about that, now that -- that I think  
4 about it, and -- and we did talk about that. And -- but  
5 he -- he seemed to believe that I was working as a -- not  
6 a TSA, but maybe like a Wackenhut screener.

7 Q. Now, Wackenhut, what does that mean?

8 A. Well, Wackenhut was the -- the private security  
9 company that had been doing the screening at Kahului  
10 airport up till the time TSA took over.

11 Q. And what was your understanding when you met  
12 with Mr. Leong for the first time in person as to how  
13 recently Wackenhut had been working security at Maui?

14 A. Well, they -- they were -- they were physically  
15 still there. There were some Wackenhut employees and  
16 there were some TSA employees, and at the time we met in  
17 the hallway, it was what they call roll out. TSA was  
18 rolling out the new government screeners and Wackenhut  
19 was -- each day less and less Wackenhut employees would  
20 be at work.

21 Q. Was it your understanding before you started  
22 that there was a period where both Wackenhut -- where  
23 Wackenhut screeners and TSA screeners were working the  
24 same days at Maui?

25 A. I -- there were some Wackenhut screeners that

1 were doing the screening in the -- behind the scenes, the  
2 luggage screening. TSA was doing all the screening up  
3 front of the passengers and the carry on luggage. There  
4 were -- I -- I don't remember if it was just a few days  
5 or -- or a week, but there was a short period where there  
6 were some Wackenhut screeners screening behind the  
7 screens, the luggage that goes on into the belly of the  
8 planes.

9 Q. By the time you started at TSA, were there any  
10 Wackenhut employees still employed by Wackenhut  
11 performing any security work at TSA Maui?

12 A. I -- the -- the day I began work, I do not  
13 believe there were any Wackenhut employees left.

14 Q. Okay. Okay. Can you describe for me sort of  
15 the atmosphere when you started about whether it was  
16 controlled or, you know, everything was organized, ready  
17 to go when you started or -- or the opposite or where on  
18 the spectrum of control to chaos you found things when  
19 you started?

20 A. Controlled chaos might be a little bit strong,  
21 but it certainly -- there were challenges. Everyone was  
22 new but -- but the employees were very good. The -- the  
23 training that the TSA screeners received, the uniformed  
24 screeners that wore uniforms, they were for the most part  
25 very qualified.

1 Q. Was there any confusion about the proper method --  
2 when you started, were you aware of any confusion about  
3 the proper method of screening?

4 A. There -- there was some confusion about the  
5 proper method of screening.

6 Q. And what was that confusion?

7 A. There was a TSA SOP book on screening  
8 procedures, but it was not followed.

9 Q. What procedure did -- was followed?

10 A. Well, it was Filbert's -- Filbert Carvalho's  
11 kind of -- he kind of set the standard for -- for the  
12 screening efforts, he kind of made up the policy on how  
13 it was -- how -- how it was to be done.

14 Q. How were you trained in terms of how to screen  
15 someone?

16 A. Well, as far as TSA goes, I received no  
17 training.

18 Q. Okay. During your on the job period with  
19 Patrick Collins or with Patti Igarashi, they didn't  
20 perform -- they never showed you screening methods?

21 A. I -- I believe Patrick wanted to, but it was  
22 almost impossible. He was pretty much overwhelmed taking  
23 care of little issues that seemed to pop up every second,  
24 administrative issues, pay issues, HR issues, scheduling  
25 issues.

1 Q. And is -- is it true to say that that was -- is --  
2 is it fair to say that was true of just about all the  
3 hierarchy that they were dealing minute by minute with  
4 issues, a variety of issues that came up minute by  
5 minutes in the first few weeks at TSA?

6 A. Well, I can -- I can speak for the screening  
7 managers and below. I don't -- I'm not sure what the  
8 positions above us. I -- I can't answer that question  
9 because I don't know what they were really doing. They  
10 never really spoke to us.

11 Q. Okay. So for screening managers and below, you  
12 guys were -- when -- when you first started you guys were  
13 dealing with a lot of maybe not emergency situations, but  
14 minute by minute issues?

15 A. There were certainly a lot of issues to deal  
16 with, but it wasn't unmanageable. The people were  
17 very -- the screeners were very well trained, they --  
18 they could function on their own if need be. The -- the --  
19 the uniformed supervisors were very well trained. They  
20 also went to school. It -- it was a new operation but it --  
21 it -- it wasn't -- wasn't a bad operation.

22 Q. So was it your understanding that people were  
23 trained by TSA to do things one way and then Filbert had  
24 a different method of telling people how to screen?

25 A. I know he did because he told me that when --

1 when the TSA roll out team would leave, when they got out  
2 of the scene, got out of the picture, we were -- he was  
3 going to train us all to do it the way the -- that he  
4 himself and the management wanted it done.

5 Q. And when did you have this conversation with  
6 Filbert Carvalho?

7 A. Oh, I would -- I believe it was probably  
8 towards the end of the first week.

9 Q. And what did you say?

10 A. I probably -- I didn't say anything to him. I --  
11 I certainly probably had some thoughts to myself but I  
12 didn't -- he was the boss and -- and no uncertain terms  
13 he was -- I was told he was the boss.

14 Q. Did you tell anybody with the MSF that -- about  
15 this conversation where -- where Filbert says he was  
16 going to change the way -- the screening method after the  
17 MSF left?

18 A. I did not. They weren't there very many days  
19 once I started. They were there a few more days and then  
20 they pretty much all departed.

21 Q. The method of screening that you used when you  
22 were with the army of screening passengers that are about  
23 to board an airplane, how similar was that to what you  
24 learned from the mobile screening force or what you --

25 A. It was -- it was very much the same. The

1 Secret Service method of screening passengers and -- and  
2 luggage is pretty much what TSA initially started with.  
3 They took Secret Service documents, standard operating  
4 procedures and basically turned them into TSA standard  
5 operating procedures.

6 Q. Okay. Right now I'm just limiting my question  
7 to screening passengers as opposed to luggage. Were you  
8 ever -- as I understand it, you were never formally  
9 trained by anyone on what TSA procedures were for  
10 screening passengers, is that correct?

11 A. That is correct.

12 Q. So nobody with mobile screening force did it,  
13 nobody with TSA Maui full-time did it, right?

14 A. That is correct.

15 Q. Did they give you any kind of informal training  
16 or was it just you eyeballed how they were doing it and  
17 figured it out that way?

18 A. That's real accurate. I -- I -- I watched the  
19 screeners doing it each day, I watched the screening  
20 supervisors doing it, I read the SOP book that TSA put  
21 out several times.

22 Q. And then -- and then did --

23 A. I was --

24 Q. Go ahead.

25 A. I was just going to say there was certainly no



1 formal training though.

2 Q. Okay.

3 A. For me.

4 Q. Not only no formal training in passenger  
5 screening, but actually not even any informal training  
6 except for what you could pick up by watching, right?

7 A. That is correct.

8 Q. Okay. And then did in fact while you were at  
9 TSA, did you come to learn that -- that the method of  
10 screening did change when the mobile screening force  
11 left, passenger screening?

12 A. It -- it did change. Yes.

13 Q. And how did you learn that?

14 A. We would -- we would be given directions from  
15 Filbert, sometimes I'd receive them from Patti, sometimes  
16 I'd receive them from Patrick when I would come in.  
17 Filbert had decided today to change something a certain  
18 way or -- or initiate a -- a new procedure, but from  
19 Filbert or one of the other screening managers.

20 Q. Is it your testimony that -- that the method of  
21 screening changed from day to day after the mobile  
22 screening force left or --

23 A. It --

24 Q. I'm sorry, let me -- let me just ask it a  
25 different way. How many -- you started work on -- oh,



1 boy.

2 MS. HEVICON: October 20.

3 Q. (By Mr. Helper) October 20, according to this.  
4 Let's -- let's make this letter, the next letter Exhibit  
5 C, and that -- that's the October -- I'm sorry, the  
6 November 13 letter that you -- I think you got, right?

7 MS. HEVICON: It's the termination  
8 letter, Tom.

9 A. Yes.

10 Q. (By Mr. Helper) Okay.

11 (Letter dated November 13, 2002, marked  
12 Exhibit C.)

13 Q. (By Mr. Helper) And so that indicates you were  
14 appointed on October 20, 2002. Was that the date you  
15 started work?

16 A. I -- yes, I think it is.

17 Q. Okay. And then you were terminated, I think  
18 you've testified on November 13, so that gives us about a  
19 24 day period in which you were employed by TSA, is that  
20 right?

21 A. That is correct.

22 Q. How many days of those 24 were you at work?

23 A. I believe I had two -- I had two periods where  
24 I was off two days each so I -- I was only off about four  
25 days. I worked almost every day of those days.

1 Q. So out of, you know, roughly a 20 day work  
2 period there, how far into that did the mobile screening  
3 force leave or give me your best estimate as to the date  
4 the MSF left Maui?

5 A. My best estimate is that they were all gone by  
6 probably October 25.

7 Q. Okay. And then at what point did you -- I'm  
8 sorry. So -- so the conversation with Filbert in which  
9 he said that the screening method was going to change  
10 after MSF left was sometime between the 20th and the  
11 25th, right?

12 A. That is correct.

13 Q. Of October, right?

14 A. That is correct. Yes.

15 Q. And when after that did someone with TSA tell  
16 you that the method of screening was going to change?

17 A. Oh, almost immediately. We changed some of the  
18 procedures, we initiated new things, we -- we -- we  
19 started passenger screening at the individual gates as  
20 well as the main check point. There were little changes  
21 almost on a daily basis.

22 Q. Talking -- just talking for a second about all  
23 the changes that you saw during the time there, was there  
24 anything done that you felt was a threat or improper or a  
25 danger to national security in the way that the -- the

1 passenger screening method was being changed?

2 A. Not -- not a threat to national security, but  
3 it made for a very complicated workplace.

4 Q. Well, having -- I'm not talking about the  
5 practice of changing from day to day, I -- I think I  
6 understand what you're saying that that would be  
7 confusing and -- and make it hard to deal with, but did  
8 you ever believe that any individual change that was  
9 being made was improper in any way?

10 A. There were some things that I thought were  
11 improper.

12 Q. What did you think -- what changes were made in  
13 the passenger screening method that you thought were  
14 improper?

15 A. Well, in the passenger -- in passenger  
16 screening, I'm -- I'm not saying that we changed anything  
17 that made it less secure. There were policy changes that  
18 just caused problems.

19 Q. Give me an example.

20 A. For instance --

21 Q. Go ahead, thank you.

22 A. Well, for instance, within -- within hours of --  
23 within hours of the mobile screening force departing  
24 Maui, someone made the decision that the -- the -- many  
25 of the supervisors that were hired as supervisors and

1 assistant supervisors would be -- they simply would be  
2 demoted and new supervisors appointed, uniformed  
3 supervisors.

4 Q. Are you talking about lead -- lead screeners?

5 A. Lead -- lead screeners and screener  
6 supervisors. The -- within hours of the mobile team  
7 departing, a list came out and said these are the new  
8 supervisors, these are the new lead screeners, made no  
9 sense whatsoever, caused chaos, caused bad morale  
10 throughout the entire screening force and just didn't  
11 make sense.

12 Q. So if we look just at the passenger screening  
13 procedures, there were changes made at -- on various  
14 occasions after the mobile screening force left that  
15 changed the method of how passengers were screened,  
16 right?

17 A. Well, I'm -- I'm not sure that it changed so  
18 much the method -- excuse me. We -- we were still  
19 providing a quality product, but if we're -- we're  
20 putting forth three times the effort to do the same  
21 mission. Many hurt feelings, very bad morale --

22 Q. Okay. Well --

23 A. And --

24 Q. But Mr. Young, I -- I think your -- I'm trying  
25 to focus on a fairly narrow area to start with anyway,

1 and that is changes in the method in which passengers  
2 were screened. So just -- just talking about that area  
3 for a second. Did that change after the mobile screening  
4 force left?

5 A. There certainly were changes made. Can I give  
6 you an individual example? I'm not sure I can remember  
7 the exact things that -- that were changed, but changes  
8 were made in the screening method. Yes, there were.

9 Q. Okay. And if I understand it, your testimony,  
10 you don't think that any of the changes made airport  
11 security -- or threatened airport security or made flying  
12 less secure, is that correct?

13 A. That is correct.

14 Q. Okay. Though just the practice of changing  
15 policy, changing the screening method was something of a  
16 strain on the people who had to do the screening, right?

17 A. Well, and not only was it a strain on the  
18 people that had to do the screening, I believe they were  
19 illegal changes.

20 Q. Okay. What changes were made that you think  
21 were illegal?

22 A. There was a -- there was an attempt to change  
23 who -- the -- the screen -- the lead screeners and the  
24 screening supervisors were hired by that contract  
25 employment agency.

1 Q. Okay. I'm -- I'm just asking you about the  
2 method of passenger screening. Was there --

3 A. I -- I cannot -- I can't give you -- I can't  
4 give you an individual activity that was changed. I -- I --  
5 there certainly were changes made.

6 Q. Okay.

7 A. The method of screening, people -- the amount  
8 of people we used was changed. Instead of screening  
9 everyone -- well, we did screen everyone at the secure --  
10 main security point but we started screening people at  
11 the individual gates.

12 Q. How about --

13 A. There were --

14 Q. Okay, go ahead.

15 A. I'm -- I'm just saying there were changes made,  
16 I don't know that I can remember the individual, each  
17 individual change that was made. I don't, but -- and  
18 there were definitely changes made.

19 Q. Was there any change in the -- the method of  
20 wandling that was being used?

21 A. Again, there were changes in the method of  
22 wandling. I'm not sure -- I -- I don't remember how we  
23 changed it. I -- I know we -- I didn't change it but I  
24 know the method of wandling was changed. There were --  
25 yes, there were changes, and -- and unfortunately, there

1 was changes made by many different people that if they  
2 would change at nine o'clock in the morning, I came to  
3 work at three, I had no idea that the guys had been told  
4 to do something differently.

5 Q. Just talking about the passenger screening  
6 methods, as I understand it, you don't recall any  
7 particular change that was made in the method of  
8 screening passengers, is that correct?

9 A. That's correct.

10 Q. Do you recall or can you give me an estimate as  
11 to how many changes were made over the 15, 17 day period  
12 after the mobile screening force that you were there?

13 A. Well, I think it's fair to say that there were  
14 several changes every day. I had an incident involving  
15 my own self with an airline pilot. We were told the  
16 first couple days an airline pilot -- well, anyone could  
17 ask, anyone at any time can ask for a private screening.  
18 If someone came through and asked for a private  
19 screening, we would simply take them to the side, we --  
20 we had a very small, little cubicle type office. If --  
21 if that was acceptable, we'd do their private screening  
22 there. If that wasn't, they could ask to go to a private  
23 office. We could take a male passenger to the -- to the  
24 rest room and screen him in there or in our office. In  
25 fact, I was -- one of the things in my termination letter



1 says I improperly screened an airline pilot. I was told  
2 at the very moment that it was happening to do it a  
3 certain way by Filbert Carvalho, and then it was placed  
4 in my termination letter that I'd done that improperly,  
5 but I did it exactly like we had done the day before.  
6 And it had been changed literally overnight.

7 Q. Was it your perception that a lot of people  
8 were confused by the changes in policies that were being  
9 made at TSA Maui?

10 A. That's an accurate perception. Yes, I -- I was --  
11 that is true.

12 Q. And did you perceive that there was any racial  
13 differences in how changes got communicated, in other  
14 words, were --

15 A. Oh.

16 Q. Well, let me -- let me just ask that. Was  
17 there any difference in the way -- racial difference in  
18 the way changes got communicated?

19 A. I -- I -- I absolutely believe that that is  
20 true.

21 Q. What did you see?

22 A. Information was passed to Patti that never came  
23 to me, was never shared with me. Information was passed  
24 to certain screeners, the uniformed screeners that wasn't  
25 passed to Caucasian uniformed screeners.



1 Q. Tell me how you know that.

2 A. Because I -- I would come to work -- you either  
3 started at 4:45 in the morning as a screening manager or  
4 you started at 3:15 in the afternoon. I would be -- I  
5 would come in at 3:15 and I would be basically  
6 supervising the screening operation in the main security  
7 area, and one of the screeners would come up to me and  
8 say well, we -- we don't do that, we don't do that  
9 anymore that way, and I'm like what do you mean? Patti  
10 told us last night at midnight not to do it that way  
11 anymore. I was never informed of that. We -- we had a --  
12 we had a -- we had a log book that we could place notes  
13 for oncoming screening managers. There was never  
14 anything in the log book when I would come to work.

15 Q. How do you know that non Caucasian screeners  
16 were told changes in screening methods that Caucasian  
17 method -- Caucasian screeners were not told?

18 A. They would simply come to me and ask me how  
19 come we weren't told that we weren't checking for  
20 fingernail files or -- or small changes, subtle changes.  
21 They -- they would be briefed and some of the Caucasian  
22 screeners were not. They would simply come to me and ask  
23 we were never told this.

24 Q. Did you ever have a non Caucasian screener tell  
25 you that they had not been informed of a change in

1 policy?

2 A. Not that I can remember.

3 Q. How many Caucasian screeners came to you and  
4 said that they had -- there was a change in policy of  
5 which they were not aware? How many times did that  
6 happen?

7 A. Oh, it -- it probably in that basic three week  
8 period, it probably happened at least on eight to ten  
9 different occasions.

10 Q. And were these eight to ten different Caucasian  
11 screeners or was it the same Caucasian screener on more  
12 than one occasion telling you they had not been informed  
13 of a change in policy?

14 A. Well, I'm -- I'm going to estimate that it -- I  
15 don't -- again, I don't remember exactly, but it  
16 certainly was more than a couple. It was several  
17 different screeners that came to me.

18 Q. Okay. Do you recall the identities of any of  
19 the screeners, the Caucasian screeners who came to you  
20 and said that they were -- there was a policy change of  
21 which they had not been informed?

22 A. I can remember two supervisors, a female  
23 screener supervisor named Ann Werstler, and I remember  
24 his first name, his first name was Rusty. He's a retired --  
25 why I remember him, he's a retired New York City Port

1 Authority policeman who was also a supervisor.

2 Q. Rusty Harlan?

3 A. I believe so. Yes.

4 Q. Okay. I take it you never saw -- well, did you  
5 ever see any kind of a meeting or a briefing in which  
6 policy changes were announced?

7 A. I -- I -- in the three weeks I was there, I  
8 only attended one briefing with all of management.

9 Q. Well -- how about -- I'm not talking about all  
10 of management, how about just maybe even a huddle or a  
11 beginning of shift meeting where Pat Collins or Patti  
12 Igarashi or anyone would say okay, this is a change we're  
13 making in -- in --

14 A. Yes, I did -- I did witness some -- some  
15 meetings like that.

16 Q. How many meetings like that were you present  
17 at?

18 A. I was probably at three to five, I'm  
19 estimating.

20 Q. Okay, so there were --

21 A. Meetings.

22 Q. And -- and who conducted those meetings?

23 A. Well, we would as training managers if we had  
24 new information to pass along. Fil Carvalho probably did  
25 the majority of them though.

1 Q. Okay. And your understanding at the time was  
2 he was sort of the -- the resident expert on screening?

3 A. He was the resident expert at the airport. He  
4 was a FAA special agent that was stationed at the  
5 airport.

6 Q. And did the -- the three to five meetings in  
7 which policy changes were discussed, where did they take  
8 place?

9 A. Some of them took place in a conference room  
10 that belonged to -- I believe it belonged to Hawaiian  
11 Airlines upstairs in the airport, and some would be right  
12 on the screening floor right on -- in the security area.

13 Q. Okay. How many of the meetings -- the three to  
14 five meetings you're talking about, you're estimating, do  
15 those include the meetings at which you informed your  
16 screeners about changes in methods?

17 A. Yes.

18 Q. Did you -- other than those three to five  
19 meetings, did you have any sessions in which you told  
20 your screeners hey, I just found out, guys, there's a  
21 change, don't do this, do that?

22 A. Yes. That happened.

23 Q. And on how many occasions would you inform your  
24 screeners of changes outside of the three to five  
25 meetings we were talking about earlier?

1           A.       Not -- not very often, because to back up just  
2 a little bit, I -- I piggy backed three days with Patrick  
3 Collins and I piggy backed three days with Patti, so I --  
4 I was there or I may or may not have been in the meetings  
5 that they conducted, but I certainly didn't say anything  
6 because they were kind of running the show at that point.  
7 I -- I didn't have a lot of meetings or opportunities to  
8 have meetings with the screeners by myself.

9           Q.       So you were present at three to five -- three  
10 to five meetings at which policy changes were passed down  
11 to the screening force, right?

12          A.       I was.

13          Q.       And those -- most of those meetings were  
14 conducted by Fil Carvalho, right?

15          A.       That's correct.

16          Q.       And Patti Igarashi and Patrick Collins also  
17 participated or -- or led some of the time, is that  
18 right?

19          A.       They -- they would lead or -- or participate  
20 some of the times, correct.

21          Q.       And these were meetings at which all the  
22 screeners on the shift were present, is that correct?

23          A.       No. Not -- not necessarily all of them. I  
24 would say the majority of them but -- but certain -- some  
25 some guys could come, some guys were still doing

1 screening operations, not always -- not everyone got to  
2 come.

3 Q. Did you notice any racial breakdown in who was  
4 and wasn't at the meetings?

5 A. I -- I -- I don't recall that I noticed that.

6 Q. So it's not your testimony that the Caucasians  
7 were given one set of instructions and the non Caucasians  
8 were given another instructions, that's not your  
9 testimony, is it?

10 A. That's -- that's not my testimony, but I  
11 believe I -- well, I know I saw information, I -- I know  
12 there were periods when some Caucasian supervisors did  
13 not get the same information other -- other supervisors  
14 got.

15 Q. But at the meetings at which you were  
16 physically present, you did not see any difference in the  
17 way Caucasian and non Caucasian screeners and supervisors  
18 were informed of policy changes, is that correct?

19 A. Not at the meetings I was present at.

20 Q. So I'm correct?

21 A. Yes.

22 Q. Okay. And your perception that Caucasian  
23 supervisors and screeners were receiving different  
24 information or were treated differently in the way they  
25 were informed of policy changes, that perception is based

1 on the fact that eight to ten Caucasian screeners came to  
2 you and said they had not been informed of policy changes  
3 and you got no such complaints from non Caucasian  
4 screeners, is that correct?

5 A. That is correct.

6 Q. Is there any other basis to your perception  
7 that Caucasian and non Caucasian screeners were treated  
8 differently in the way they were informed of policy  
9 changes?

10 A. Not in policy change matters, no.

11 Q. Okay. And I -- I think to be fair, you've got  
12 other reasons that you've articulated for believing that  
13 there was a racial discrimination, but just with regard  
14 to that -- you -- you've told me what you -- I -- I think  
15 I've got it. Okay. So that's not a question. And you  
16 never were -- you never perceived that Caucasians were  
17 given one method of wandling and non Caucasians were --  
18 were given another method of wandling, is that correct?

19 A. I -- I -- I did not observe that.

20 Q. You never saw any difference in the way  
21 Caucasians and non Caucasians were trained to wand,  
22 correct?

23 A. Correct.

24 Q. Did anybody ever complain to you that  
25 Caucasians were being trained one way and non Caucasians

1 were being trained another in wanding?

2 A. I don't remember anyone complaining to me.

3 Q. Okay. We've been going for awhile here, why  
4 don't we take a -- a five minute break?

5 THE VIDEOGRAPHER: The time is now  
6 11:32 and we're going off the record. This is the end of  
7 tape one.

8 (Discussion off the record.)

9 THE VIDEOGRAPHER: The time is now  
10 11:45 a.m. This is the start of tape two and we're back  
11 on the record.

12 Q. (By Mr. Helper) Mr. Young, can you give me the  
13 racial breakdown of the screeners that you supervised  
14 into Caucasians and non Caucasian?

15 A. I'm -- again, I'm estimating, but I -- I would  
16 believe it was probably real close to 50/50.

17 Q. And how many people are we talking about under  
18 your supervision?

19 A. Early on, my -- my first early days of say the  
20 first week, I believe we had upwards of 140 people  
21 working, but we very rapidly thinned that down to  
22 probably only again, an estimate, about 60 people per  
23 shift.

24 Q. And how was that thinning down done?

25 A. Well, they just -- they simply -- there were



1 some people that -- that did actually quit early on after  
2 just a matter of a few days of work. I -- I remember a  
3 small number of people being terminated, but they simply  
4 started rotating the shifts the way it was really  
5 designed to be. They kind of had everyone working  
6 initially to get everything on -- on line.

7 Q. So you had a -- a total of -- well, I'm sorry.  
8 On a given shift after you were done with your piggy  
9 backing, as you called it, with Mr. Collins or Miss  
10 Igarashi, how many screeners or supervisors worked under  
11 you on a given shift, estimate?

12 A. Just there should have been at least two  
13 supervisors, uniformed supervisors. I'm estimating,  
14 should have been about four, four to six lead screeners  
15 and probably close to 40 to 50 screeners.

16 Q. So we're talking ball park 50 or 60 people,  
17 right?

18 A. Yes.

19 Q. And when you said earlier that you had eight to  
20 ten Caucasian screeners come to you with concerns that a  
21 policy had not been explained to them, that's eight to  
22 ten out of this 50 or -- or 60 so -- or so people, right?

23 A. That is correct.

24 Q. Okay. I'm sorry, it wasn't eight to ten  
25 people, it was eight to ten occasions on which screeners

1 came to you and it may have been multiple times by one --  
2 an individual screener?

3 A. Over -- over a period of two to three weeks.

4 Q. Okay. Okay. I want to turn to Exhibit C,  
5 which is the termination letter, and just go through  
6 what's alleged in there and -- and get your reaction  
7 sentence by sentence. And let me just -- well, I'm just  
8 going to ask you questions, and to the extent you need to  
9 refer to the Exhibit C, please do. Were you --

10 A. Okay.

11 Q. Were you counseled on October 27, 2002?

12 A. I was counseled on October 27.

13 Q. Okay. And were you counseled about the chain  
14 of command on October 27, 2002?

15 A. The -- the subject was the chain of command.

16 Q. Were you counseled about showing favoritism  
17 with screeners on October 27, 2002?

18 A. Was not. I never heard that until I saw this  
19 termination letter.

20 Q. Okay. Were -- were there screeners at -- that  
21 worked under you who you knew in any capacity before you  
22 started work at TSA?

23 A. Yes.

24 Q. How many?

25 A. Two.

1 Q. And who was that?

2 A. One screening supervisor named Ann Werstler and  
3 a screener named -- her name was Shelly Ann Hee.

4 Q. And her nickname was Kiki?

5 A. Kiki.

6 Q. And how did you know Ann Werstler before you  
7 started working at TSA?

8 A. Ann worked -- well, both of them worked on  
9 Kahoolawe.

10 Q. And did you ever supervise either one of them?  
11 Well, how -- how well did you know these two women?

12 A. I did not know Ann very well. I knew Shelly  
13 Ann Hee very well. Ann -- Kiki or Shelly Ann, she never  
14 worked on a shift ever when I was a screening manager.  
15 Ann did work on several different days with me, and I  
16 actually brought that to Fil Carvalho's attention.

17 Q. You're talking about when he gave you this  
18 letter on -- on November 13 of '03 -- of '02?

19 A. No. Before -- before he -- the first time I  
20 knew that they had scheduled Ann to work with me, I  
21 brought it to Fil's attention that her and I had worked  
22 together on Kahoolawe and he said there would be  
23 certainly no problem.

24 Q. Okay. When you say you knew Kiki very well,  
25 she -- did she actually live with you for a time?

1 A. She rented a room in our house when she first  
2 started working on Kahoolawe.

3 Q. And how long -- and I meant to say live in your  
4 house, I didn't mean to imply, you know, living with you  
5 in some kind of a romantic relationship, but how long did  
6 Kiki rent a room from you?

7 A. Probably, I'm -- I'm estimating, just a little  
8 bit over a year.

9 Q. Is she somebody you'd characterize as a pretty  
10 close friend?

11 A. Well, we -- we lost touch a long time ago. We  
12 were good friends at that time.

13 Q. But it's your testimony that you two never --  
14 you never supervised her throughout the time you worked  
15 at TSA?

16 A. I never supervised her. I do -- I do not  
17 remember her ever working a shift when I worked.

18 Q. And so -- but it's two separate issues, all  
19 right. One, she -- she might be working a shift at the  
20 same time as you without you being her supervisor, right,  
21 or is that not possible?

22 A. No. I -- I would have known if she was there.  
23 I mean as training manager I'm responsible for everyone  
24 that's working, and she did not work a shift when I was  
25 screening manager.

1 Q. Okay. Did anybody ever complain to you they  
2 thought you were showing favoritism to any particular  
3 employee, any -- any sub --

4 A. No one.

5 Q. Any subordinate employee?

6 A. No one ever came to me on any occasion on that  
7 subject.

8 Q. So what is your recollection of the counseling,  
9 what occurred at the counseling on October 27 of 2002?

10 A. I was asked to come into the office by Howard  
11 Tagomori and it was Howard and Lowrey Leong in there.  
12 They asked me how things were going, I said I thought  
13 they were going pretty well. They asked me if I  
14 understood the chain of command. I said I did understand  
15 the chain of command. Howard asked me to explain the  
16 chain of command. I said well, I work directly for  
17 Filbert Carvalho, and the best of my knowledge, Filbert  
18 worked directly for Howard. And in the middle of this  
19 conversation as I was answering this question, he became  
20 very upset, he cussed at me, told me to shut my mouth,  
21 and that -- that I needed to learn the chain of command.

22 Q. When you say he cussed at you, give me the  
23 quote of what he said.

24 A. He said shut your fucking mouth and learn the  
25 chain of command.

1 Q. What did -- did he tell you what he thought you  
2 had done wrong with respect to the chain of command?

3 A. Yes.

4 Q. What?

5 A. He told me that Patti had explained to him that  
6 the night before I was trying to undermine Fil's  
7 authority. Filbert had -- Filbert had briefed -- briefed  
8 me on overtime and that there was no overtime allowed,  
9 period. After a shift, we would -- we would try to have  
10 an after shift meeting with all the employees, five, ten  
11 minutes. Fil would generally run those meetings if he  
12 was there. He ran that particular meeting that night, he  
13 spoke for about 30 minutes past the ending time of a  
14 shift. When he left the room, of course I had 60 or 70  
15 screeners who wanted to know about were they going to get  
16 the 30 minutes overtime. Patti had walked into the room  
17 in the middle of this meeting, and when she came up, she  
18 got near me and I said Patti, do you think I should -- do  
19 we need to say something to Fil so he knows that he's  
20 going over the time? That's all that was said. But in  
21 this counseling meeting with Howard and Lowrey Leong,  
22 Howard explained to me that Patti came to him and said I  
23 was undermining Fil's authority trying to -- something  
24 along -- something to the conversation regarding the  
25 conversation her and I had that evening before.

1 Q. Did -- at that meeting or -- or at any time did  
2 you learn what Patti had said that you had done at the  
3 meeting the night before?

4 A. Just only what Howard told me, that she had  
5 come to Howard and she was concerned that I was trying to  
6 undermine Fil's -- Fil's authority.

7 Q. And is it accurate that -- is it your testimony  
8 that you didn't say anything to the assembled screeners  
9 the night before the counseling?

10 A. I don't believe I spoke at all. Fil was the  
11 only one that spoke in that meeting.

12 Q. And -- okay. And did Lowrey Leong say anything  
13 during the October 27 counseling session?

14 A. I don't recall him saying anything.

15 Q. How long did the counseling last?

16 A. Probably less than five minutes.

17 Q. And this -- the shut your fucking mouth  
18 comment, is that -- did I get that right, is that what he  
19 said, Mr. Tagomori?

20 A. I'm sorry?

21 Q. Is it your testimony that Howard Tagomori said  
22 shush your -- shut your fucking mouth?

23 A. Howard Tagomori told me to shut my fucking  
24 mouth.

25 Q. Okay. And was this out of the blue or was this --



1 was there any kind of a heated exchange that led to that  
2 or -- or how did that happen?

3 A. It was completely out of the blue. He -- he  
4 asked me if I understood the chain of command and to  
5 explain it to him. I -- I said -- I started to explain  
6 it and literally out of the blue he just erupted and --  
7 and screamed at me.

8 Q. Anything else that occurred during that meeting  
9 that you can recall?

10 A. I don't recall anything else. Howard told me  
11 go back to work.

12 Q. Okay. Were you counseled on October 28, 2002?

13 A. I was not counseled. No. I was not counseled  
14 on October 28.

15 Q. Were you ever counseled in this time, around  
16 that time about switching shifts improperly? Anybody  
17 ever discuss that issue with you?

18 A. Filbert discussed this with me, it was not the  
19 October 28 though. He -- he discussed it out in the  
20 screening area during work during the day. He did -- did  
21 ask me about why I changed shifts. He -- he never  
22 indicated in any fashion or form that it was a counseling  
23 session or anything like that.

24 Q. And what was the -- had you switched shifts  
25 recently when -- when Fil had talked to you about --



1           A.       I -- I did shift -- I did switch a shift with  
2   Patti, and this is one of these things that I know there  
3   were certainly other issues involved. I had mentioned --  
4   I had mentioned one day that my son played football for  
5   Maui High School and Patti, if I remember the  
6   conversation right and -- and I believe I do, she -- she  
7   said well, you should go to your son's football game, and  
8   I go well, no, I'm working that evening. And she goes  
9   well, why don't we switch shifts? She goes and you can  
10   go to your son's football game, and I go no, I'd rather --  
11   things were kind of chaotic, I said I'd rather just work  
12   the shift, I'm missing one game is not the end of the  
13   world. She goes no, you don't understand. I need to  
14   switch a shift, I need a -- a certain night off, and if  
15   you would work this night for me, I would work this night  
16   for you. I -- I said well, if -- if you need to switch,  
17   I have no problem with that. I even offered to -- I  
18   offered to go and tell -- talk to Fil about it or Howard  
19   and she -- she told me there was no need, that screening  
20   managers were able to make pen and ink changes to the  
21   schedule. I said I'd feel more comfortable talking to --  
22   at least telling Fil that we were going to do this. She  
23   said we're screening managers, we don't need to do this.  
24   She'd been there much longer than I had been, she had  
25   been there with Wackenhut. I assumed and assumed wrong

1 that -- that it was okay and then Fil did come to me one  
2 day and said you -- you cannot change shifts after the  
3 fact.

4 Q. So did you have any understanding about any  
5 kind of -- before you changed shifts, had you ever been  
6 told of any kind of shift change policy applicable to  
7 anybody at TSA Maui?

8 A. I was not -- had no knowledge of any policy  
9 whatsoever on that subject.

10 Q. Okay. So do you know what the date was that  
11 you shift -- changed shifts with Patti Igarashi?

12 A. I -- I do not remember the date, but I -- I  
13 know it was a Saturday because all the high school  
14 football games, or my son's football game was on a  
15 Saturday evening. But I don't remember the day.

16 Q. Do you recall if the date that you ended up  
17 working for Patti was before or after the Saturday that  
18 she worked for you?

19 A. Oh, I worked the day -- I worked before. I  
20 worked her shift before I took the day off for my son's  
21 game.

22 Q. And was the discussion with Fil Carvalho after  
23 both shifts had been -- after both of you had -- had  
24 worked each other's shifts?

25 A. It was -- it was a couple days after we --

1 after both.

2 Q. After the Saturday?

3 A. Yes.

4 Q. Okay. And do you recall how far in advance of  
5 the Saturday you guys agreed to do the shift change, the --  
6 the shift switch?

7 A. It -- again, it's an estimate, but it was  
8 sometime probably two to three days prior to either one  
9 of us.

10 Q. And then you were -- I think you were pretty  
11 definitive that -- or definite that you were not  
12 counseled on October 28 about the shift change or -- ask  
13 that again. What is your best estimate of when Fil  
14 Carvalho talked to you about the shift change you had  
15 done with Patti Igarashi?

16 A. I -- I believe it was -- it was closer to the  
17 end of the month, maybe the 30th.

18 Q. Okay. How long did that conversation last  
19 where Fil Carvalho was talking to you about concern,  
20 expressing concern to you about the way you changed  
21 shifts with Patti?

22 A. Fairly short conversation after he told me that  
23 we -- we -- he didn't want us doing that, I -- I told him  
24 that I didn't know that -- that -- that there was any  
25 kind of policy. He told me -- I said, you know, did I

1 cause a big deal, he said it's not a big deal, don't  
2 worry about it, you worked Patti's shift, she worked your  
3 shift, just bring it to my attention in the future if you  
4 change again.

5 Q. Was he courteous during this conversation,  
6 Mr. Carvalho?

7 A. Yes. Very much.

8 Q. October 29, were you counseled on October 29?

9 A. No, I was not.

10 Q. What do you mean when you used the word  
11 counseling?

12 A. Well, I -- I -- counseling to me means someone  
13 would come to me or I would go to someone and -- and say  
14 this is a situation that's happened, it -- it was  
15 improper or -- or done wrong or -- or could be good  
16 counseling but, you know, you did wrong, this is what you  
17 did wrong, this is what you need to do to correct  
18 yourself.

19 Q. On October 29, did someone talk to you about  
20 being unavailable during peak flow time at the check  
21 point?

22 A. They did not.

23 Q. When did you become aware that anyone might  
24 have concerns about your unavailability during peak flow  
25 time at a check point?

1 A. When I received this termination letter.

2 Q. Okay. Were you ever counseled about failing to  
3 control a situation in which a passenger became irate  
4 over a prohibited item?

5 A. Was not.

6 Q. Did anybody ever discuss -- there was such a  
7 situation in which a passenger became irate over an item  
8 being confiscated, right?

9 A. Yes, there was.

10 Q. And in that incident, it was a lighter that was  
11 being confiscated?

12 A. Yes, it was.

13 Q. And it was a male passenger, right?

14 A. Yeah. Yes. A -- a husband and wife couple.

15 Q. But it was the male who became irate, right?

16 A. Yes.

17 Q. And he actually came through the metal detector  
18 into an area that he wasn't supposed to be in, is that  
19 right?

20 A. Well, no. He was -- he was a passenger, he was  
21 a ticketed passenger. He -- he came through the metal  
22 detector. His -- he set off the metal detector, and at  
23 that point, then they -- they go to the individual  
24 wand and where today they take your shoes off and  
25 things like that, and at that time he -- he took out a --

1 a cigarette lighter from his pocket and -- and produced  
2 what had set off the metal detector.

3 Q. And it was required that that item be  
4 confiscated, right?

5 A. Well, it -- it needed to be -- you -- you can't  
6 take it on the airplane. It doesn't necessarily have to  
7 be confiscated. He could give it to someone to take  
8 outside, he could -- if he was someone that lived on the  
9 island, he could put it in his car, just can't take it  
10 through the security check point onto the airplane.

11 Q. Okay. And do you recall who the screener was  
12 or any of the screeners were who were involved in  
13 screening this passenger?

14 A. I can picture the screener, but I remember the  
15 incident very clearly. Filbert Carvalho --

16 Q. Wait a second.

17 A. -- and Lowrey Leong --

18 Q. Wait. Make sure you're -- you're listening to  
19 my question here. The only question I had for you is  
20 whether you recall the screener who was involved.

21 A. I -- I don't have his name, but I -- I -- I can  
22 picture the person who was involved with it.

23 Q. And give me a physical description.

24 A. He was one of the -- one of the screeners from  
25 Maui, he was a lead screener. I believe he -- he is

1 probably Filipino.

2 Q. Can you give me a height or age or --

3 A. 30 years old, five foot eight. I -- I'm almost  
4 positive he was one of the guys that was in the Hawaiian  
5 National Guard.

6 Q. And tell me about what you recall, how -- how  
7 you became aware that there was a problem.

8 A. I -- at the time that it happened, I was in the  
9 cubicle, and I was actually doing a private -- I was  
10 basically supervising a private screening of a lady with  
11 a large box of jewelry in the cubicle off to the side of  
12 the screening area. That particular incident happened,  
13 Fil Carvalho, Lowrey Leong were both in the screening  
14 area standing next to the X-ray machine. And why I  
15 remember this is that's fairly unusual, they don't  
16 normally come out there. When the screener told this  
17 fellow he had to either surrender his lighter or -- or do  
18 something else with it, he did become very irate, very  
19 upset. And when he became very upset, Fil Carvalho was  
20 standing two feet away when this happened, he stepped  
21 forward, he identified himself as a special agent, he --  
22 he -- he showed this passenger his badge and told him  
23 that he must calm down and that he had two options,  
24 surrender the lighter or -- or get rid of it. By the  
25 time he had spoken to this passenger, I excused myself

1 from the cubicle, I came out, went into the screening  
2 area, and he was very, very upset. I brought him and his  
3 wife over to some chairs that we had next to the cubicle  
4 and asked them to -- to -- to have a seat and let me  
5 explain -- what -- what needed to be done. And what I  
6 suggested to the -- to this fellow was that -- this  
7 lighter was a gold plated, very expensive, very  
8 sentimental lighter for this fellow. It wasn't a throw  
9 away Bic lighter. I told him that he could go back to  
10 the airline that he was ticketed with, ask them if they  
11 would mail it, mail it back to his home of record. And  
12 he actually stayed there in the security area, his wife  
13 we let out the side little door, she went back to the  
14 airlines with the lighter, and the airlines did agree to  
15 mail that lighter back for him. She came back, we  
16 rescreened her, we finished screening him and he went on  
17 his flight.

18 Q. Okay. So as I understand your testimony,  
19 you're saying that Mr. Carvalho talked to the irate  
20 passenger before you ever did, right?

21 A. He -- he was the second person, yes. He talked  
22 to him before I did.

23 Q. Okay. And then you talked with the passenger  
24 after Mr. Carvalho had finished?

25 A. Within just seconds. It took me about ten



1 seconds to get from the cubicle over to where this  
2 incident was happening.

3 Q. Do you recall who was in the -- I think you  
4 said you were supervising a private screening of a woman  
5 with jewelry, right?

6 A. Yes. Yes.

7 Q. And who were you supervising who was doing that  
8 screening?

9 A. I -- I honestly don't remember.

10 Q. And did it -- is it your testimony that no one  
11 ever expressed concern to you about the way you'd handled  
12 the situation until November 13?

13 A. That is correct. I actually spoke with -- Fil  
14 spoke about that incident in the after -- after work  
15 meeting that evening and that -- that it was handled well  
16 but we needed to expect as -- as the weather warmed up,  
17 as it -- as it got hotter and people come in more tired  
18 and irritable, that we would see more of these incidents --  
19 we could see more of these incidents. When Fil was done  
20 speaking to the group of screeners, I asked Fil was there  
21 anything else -- could I have done something different,  
22 my solution of having the airlines mail the lighter home  
23 to him and he -- he said no, everything was fine, just be  
24 prepared for the possibility of more incidents like this  
25 happening.

1 Q. So after the incident with the irate passenger,  
2 it's your testimony that Fil Carvalho told a group of  
3 screeners that the incident had been handled well?

4 A. He said it was handled well, that the initial  
5 screener did a very good job in -- this man was very  
6 emotional and he told -- Fil told everyone in our group  
7 that the initial screener that dealt with him did a very  
8 good job.

9 Q. And he -- did he say anything about your role  
10 in the -- in the process?

11 A. He -- he didn't state -- he -- I -- I point  
12 blank asked him did -- is there something else I could  
13 have done, should I have done something else? No, he  
14 said it was handled okay, just be prepared for more  
15 incidents.

16 Q. That comment, that statement was in a one on  
17 one exchange between yourself and Mr. Carvalho, right?

18 A. It was one on one but it was in the briefing  
19 room with other screeners present.

20 Q. Do you know if any of the other screeners would  
21 have heard Mr. Carvalho tell you that you'd done  
22 everything okay?

23 A. Certainly possible. I don't know that they  
24 did, but it's possible.

25 Q. Do you recall any of the screeners who were

1 there?

2 A. I just -- I remember -- I remember the -- the  
3 first screener that dealt with him, but I don't remember  
4 other people.

5 Q. And the -- the screening -- the proper  
6 procedures for screening of a pilot, were you ever  
7 counseled before November 13 about failing to file proper  
8 procedures for screening of a -- private screening of a  
9 pilot?

10 A. Was not.

11 Q. What did -- were you ever -- did Mr. Tagomori  
12 ever talk to you about a pilot screening issue?

13 A. Mr. Tagomori never spoke to me about that  
14 issue.

15 Q. Okay. I'm just looking at your statement here.  
16 This is Exhibit B, bottom of the second page.  
17 Mr. Tagomori stated another screener manager reported to  
18 him that I had not properly screened the pilot. So that  
19 sounds to me like maybe you were counseled at some point  
20 about a screening, a pilot screening situation.

21 A. Well, no. He -- he told me that at the  
22 termination meeting when he presented this termination  
23 letter.

24 Q. I understand. Okay. And is it your testimony  
25 that Mr. Carvalho never expressed any concerns to you

1 about the way you screened the pilot?

2 A. Never spoke a word of it. May I say something  
3 else?

4 Q. Sure.

5 A. I screened -- I screened the pilot in direct --  
6 in -- in accordance with Fil's direct instructions.  
7 Fil's the one who told me to screen the pilot the way we  
8 screened the pilot.

9 Q. Okay. October 31, you admit that this was your  
10 mess up that -- not -- not showing up to work, is that  
11 fair to say?

12 A. That is very correct.

13 Q. Okay. And your explanation in your -- well,  
14 your explanation is that you got confused about what day  
15 of the week it was, that you thought you were -- it was a --  
16 it was Friday and you had an afternoon shift scheduled  
17 for Friday?

18 A. I -- I did, yes. I -- I thought I was  
19 scheduled for the afternoon shift when I was in fact  
20 scheduled for the morning shift.

21 Q. And were you counseled about that?

22 A. I -- I had a conversation when I arrived --  
23 when I got to the airport that morning I went straight to  
24 the office. Howard Tagomori was there, he knew I was  
25 late, I went to him, I -- I said, you know, Howard, I

1 apologize, I'm late -- I don't, you know, I didn't have  
2 an excuse other than I simply got the shifts wrong and he --  
3 he -- his response was he wanted to know if I had a  
4 drinking problem. And of course, I don't even drink, but  
5 I said no, I don't have a drinking problem, I simply made  
6 a mistake, I apologize for it. I'm a retired army first  
7 sergeant, I -- I don't come to work late. He says okay,  
8 don't let it happen again, go to work.

9 Q. And how many -- well, what was his demeanor  
10 during that conversation? What was Mr. Tagomori's  
11 demeanor during this conversation when you came up --  
12 came late to work?

13 A. He -- he was okay. He -- he wasn't upset, he  
14 wasn't -- I was somewhat surprised that he -- he didn't  
15 seem tremendously upset.

16 Q. How many times in your career at TSA did you  
17 speak with Mr. Tagomori?

18 A. I only spoke with him on I believe four  
19 occasions in the three weeks. I actually only spoke with  
20 him four -- four separate times.

21 Q. Okay. And one was the counseling about the  
22 chain of command, one was the time you were late, one was  
23 the time you were being terminated and what was -- was  
24 there --

25 A. Well, Mr. -- Mr. Tagomori never spoke to me

1 about the chain of command. That was Filbert Carvalho.

2 Q. Who was it that you say said shut your fucking  
3 mouth?

4 A. That was Howard. Oh, I'm sorry. Howard spoke  
5 to me about the chain of command but not -- yes, I'm  
6 sorry -- I'm -- I'm -- I misspoke. He spoke to me about  
7 the chain of command. That was the only issue he -- he  
8 ever spoke to me about.

9 Q. Okay. So I'm trying to get the -- your -- your  
10 estimate is that he spoke with you four times. I'm just  
11 trying to nail down what those four were. One is the  
12 chain of command counseling, one is the not showing up  
13 for work discussion, one is -- he was present at the  
14 termination discussion, right?

15 A. He was -- yes.

16 Q. Okay. So that was the third. What's -- what  
17 other time did you interact with Mr. Tagomori?

18 A. When -- when early on he came out one day and  
19 introduced himself and -- and said hello and that -- that  
20 really was it.

21 Q. So is it your testimony he only cussed at you  
22 once just during the discussion about --

23 A. He -- he --

24 Q. Hang on. Wait, wait, wait.

25 MS. HEVICON: Tom --

1 A. Yes.

2 Q. (By Mr. Helper) Is it your testimony that  
3 Howard Tagomori swore at you only once and that was  
4 during the counseling about chain of command?

5 A. That's -- no. There was two occasions.

6 Q. What was the other one?

7 A. During -- during this termination letter,  
8 period.

9 Q. What happened during --

10 A. Was the second.

11 Q. -- that meeting?

12 A. When -- when he called me in the office,  
13 initially Fil Carvalho was in there with us, and he gave  
14 me this letter to read, and I realized immediately that a  
15 couple of these alleged incidents that I -- I -- I was  
16 supposed to be involved in were because of Fil's  
17 directions to do something a certain way. And I asked --  
18 I asked Fil to speak about it, and when I did, Fil -- Fil  
19 looked at his watch and said oh, I got to be at some --  
20 some meeting and excused himself and left the room. And  
21 I basically -- I said I'd really like Fil to be in this  
22 room because he is certainly knowledgeable about several  
23 of these incidents in here, and then -- and actually gave  
24 me the directions to do some of these things and I want  
25 him in the room and -- and Howard -- you -- I -- I don't --



1 again, I don't remember the exact words, but he cussed  
2 and said no, I didn't -- I would -- he would do this  
3 counseling, this termination counseling and, you know,  
4 Fil did not need to be in the room, and he used several  
5 cuss words. That he was qualified to do it himself.

6 Q. How long was the termination -- discussion  
7 about your termination on November 13 of 2002, the  
8 meeting?

9 A. Probably -- probably five minutes.

10 Q. Who was present at any point during that  
11 meeting other than yourself, Mr. Carvalho and  
12 Mr. Tagomori?

13 A. No one else.

14 Q. Okay. The conversation that you related about  
15 the counseling regarding the chain of command where  
16 Mr. Tagomori said shut your fucking mouth, did you tell  
17 anybody about that statement prior to your letter of  
18 November 21, 2002?

19 A. I believe I shared that with Patti.

20 Q. What did you --

21 A. Before the letter.

22 Q. Okay. What do you recall telling Patti about  
23 the counseling regarding the chain of command?

24 A. Well, I -- I knew Patti -- I knew Patti had  
25 told him because Patti was the only one I spoke to that



1 evening before, and after I left there and later on in  
2 the -- the day, I saw Patti and I said Patti, I'd like to  
3 speak to you, I -- I said I just got my butt chewed out  
4 about our conversation last night and -- and she was like  
5 what do you mean? And I said well, I -- I was in the  
6 office and -- and Howard screamed at me, told me to shut  
7 my fucking mouth, I didn't understand the chain of  
8 command, I needed to know what the chain of command was,  
9 and I said Patti, you -- you obviously said something to  
10 him and you said something that wasn't correct, because  
11 what he's yelling at is not true. And she basically blew  
12 me off, told me I didn't know what I was talking about,  
13 and that was the end of our discussion.

14 Q. Other than telling Patti Igarashi about Howard  
15 Tagomori telling you to shut your fucking mouth, did you  
16 relate Mr. Tagomori's statement to anyone else before  
17 your November 21 statement?

18 A. I did not.

19 Q. And you understand when I use the phrase  
20 anyone, I'm talking about anyone inside of work, outside  
21 of work, in the world, right?

22 A. I -- I -- I did not share it with anyone.

23 Q. Okay. What I want to do next is make a -- I'm  
24 going to -- I want to go through a procedure, I'm going  
25 to make some lists of events, and what I'm going to do is

1 ask you to relate all the incidents in which you heard  
2 people make racial comments at TSA, all the incidents in  
3 which you believed people of different races were treated  
4 differently, and I think there's a third category I'll  
5 get to, but what I want to do with both -- with all -- with  
6 these categories is first of all just get a list of all  
7 the incidents and -- and then we'll discuss each incident  
8 one by one, but what I want to do first is get the list  
9 down, okay?

10 A. Okay.

11 Q. So the first thing I want to ask you is name  
12 all the individuals at TSA Maui who you heard make racial  
13 racially discriminatory comments of any sort.

14 A. Well, Fil -- Filbert Carvalho and -- and Patti.

15 Q. Those are the only two?

16 A. Those are the only two that -- that I heard --

17 Q. Okay.

18 A. -- use a racial remark.

19 Q. Now, the use of the term haole, do you consider  
20 that a -- in itself a discriminatory comment, statement,  
21 word?

22 A. No, I do not.

23 Q. Okay. So somebody could say to you oh, that  
24 haole guy over there and -- and you would not take  
25 offense at that?

1 A. No. I would not.

2 Q. Okay. That's a common racial -- or common  
3 descriptive identifier that doesn't necessarily have any  
4 racist intent behind it, right?

5 A. I heard it four years on Kahoolawe used every  
6 day.

7 Q. In a non -- in a way that didn't bother you at  
8 all?

9 A. In a nonoffensive way, yes.

10 Q. Okay. And so tell me how many times you heard  
11 Fil Carvalho make racist statements, racial -- racial  
12 comments.

13 A. I only heard Fil Carvalho one time. Actually,  
14 you know, I -- I misspoke. I actually never heard -- I  
15 heard Fil Carvalho say he's not a local person. I never  
16 heard him say F'ing haole or anything like that.

17 Q. So --

18 A. It was actually only Patti.

19 Q. So the only comment that you -- you heard from  
20 Filbert Carvalho that concerned you at all was the  
21 comment on the day -- on the day before you started work  
22 in which he said to Patti I thought he was local?

23 A. Yes.

24 Q. Okay. And then the only other comments that  
25 came from anyone at TSA that you thought were racially

1 discriminatory were statements by Patti Igarashi?

2 A. That is correct.

3 Q. And how many statements by Patti did you hear?

4 A. I believe there were four separate incidents.

5 Q. Okay. Let's take them -- let's -- let's make a  
6 list and tell me sort of in shorthand what -- what the  
7 incidents were.

8 A. Well, the first -- first one would be when --  
9 when I was outside the office on my very first day.

10 Q. And I think you've talked about that, I think  
11 I've gotten your testimony.

12 A. Yes. And I believe the second incident was  
13 when the married couple approached Patti and myself  
14 inquiring about when they may be paid.

15 Q. Was that Everett Reinhardt?

16 A. I'm sorry?

17 Q. Was that Everett Reinhardt, one of the people --  
18 one of the Caucasian screeners who came to you?

19 A. Yes. Yes, it was.

20 Q. Okay.

21 A. And they -- they had approached us and it had  
22 been --

23 Q. Okay. Right now we're just making a list.

24 A. Okay. Okay.

25 Q. What's the next one?

1           A.       The -- the third incident Patti was -- Patti  
2       was speaking about previous Wackenhut employees not  
3       getting positions with TSA and that she -- she thought  
4       that was wrong and that they had hired F'ing haoles when  
5       they should have been hiring local people.

6           Q.       Okay. And then when was the fourth occasion?

7           A.       I -- I believe there were only three.

8           Q.       Okay. You might want to take a minute and look  
9       over your statements, and I had thought that there was  
10      probably one other, and I want to make sure I get your  
11      complete testimony so --

12          A.       Okay, I'll look at it.

13                   MS. HEVICON: Are you talking about  
14      section A, page four?

15                   MR. HELPER: Well, I think starting  
16      page three actually in the affidavit. No, no.

17                   MS. HEVICON: Yes.

18          Q.       (By Mr. Helper) Mr. Young, I think it might be  
19      most helpful for you to look at your affidavit starting  
20      on page three. This is Exhibit A.

21          A.       Okay. Yeah, there were four.

22          Q.       Well, it looks like there might even be more  
23      than that, right, if -- if she -- I mean if we get onto  
24      page two -- I'm sorry, page four, you say she would  
25      scream you fucking haoles across the entire screening

1 area and that this happened many times.

2 A. Yes, she did. I do remember that now.

3 Q. Okay. So what's your best recollection as to  
4 how many -- do you -- do you know why it is that you  
5 would have forgotten Patti Igarashi screaming you fucking  
6 haoles many times?

7 A. Well, it's been a long, long time ago since --  
8 since this happened. I've -- I've been -- been in a lot  
9 of places and done a lot of things since then.

10 Q. Okay. So what's your best recollection now,  
11 having spent a little time looking at your -- your  
12 affidavit as to how many times you heard Patti Igarashi  
13 making racial comments?

14 A. Well, I'm going to say for sure on five  
15 occasions. She -- she would -- she would -- she used it  
16 more times, but I don't know if I can put a number of  
17 incidents.

18 Q. Well, is there -- fucking haole, that statement  
19 is a racially discriminatory remark, right?

20 A. It is.

21 Q. Okay. I mean no matter -- virtually no matter  
22 what the context or -- I'm sorry, when you heard Patti  
23 Igarashi say fucking haole, you interpreted that as a  
24 racist statement, right?

25 A. I did.

1 Q. Okay. Who else heard, that you know of, from  
2 seeing someone within earshot, who else heard Patti  
3 Igarashi say fucking haoles?

4 A. Certainly other screeners heard it because I  
5 had actually had screeners come to me and say that they  
6 were concerned that the passengers were hearing it. Now,  
7 she wasn't in the -- in the general screening area when --  
8 when I had -- I had several screeners come to me and say  
9 we believe passengers can hear Patti, what she's talking  
10 about. In that particular occasion, she wasn't  
11 necessarily upset or mad, she was simply using the term.  
12 She had, I guess for lack of a better word, some of her  
13 buddies from previous Wackenhut screening days, work  
14 experience, that -- that she would kind of chum with and --  
15 and kind of hang out during the work shift with and back  
16 and forth conversation. It was used several times, the --  
17 the word haole and fucking haole. And I had a couple,  
18 two, three different screeners come to me and say we  
19 believe that some of the passengers can hear Patti in  
20 what she's saying out here.

21 Q. Who were the screeners who complained to you or --  
22 or said that to you?

23 A. I -- I don't have names.

24 Q. Descriptions?

25 A. Not that I can remember now.



1 Q. Okay. But as I understand your affidavit  
2 anyway, there were occasions, many occasions on which  
3 Patti Igarashi would say fucking haoles, not just in a  
4 small group where she might be overheard by passengers  
5 but screaming it over a fairly broad area. Is that your  
6 recollection?

7 A. I -- I did witness that.

8 Q. How many times did you witness that?

9 A. More than once. Several times.

10 Q. Can you give me an estimate as to -- as you sit  
11 here today how many times you heard Patti Igarashi scream  
12 fucking haoles across the screening area?

13 A. At least three times.

14 Q. Do you recall anyone else who was working any  
15 of the shifts or anybody else who would have overheard  
16 that, Patti Igarashi screaming fucking haoles across the  
17 screening area?

18 A. Oh, I'm -- I'm sure Ann Werstler, the  
19 supervisor, had heard it, I'm sure Rusty, the supervisor,  
20 had heard it.

21 Q. Okay. Anybody else who you can identify now?

22 A. No one that I can identify.

23 Q. And when I say identify, I -- I mean either by  
24 name or by description?

25 A. No, I -- I don't have any other --



1 Q. Okay.

2 A. -- names or descriptions.

3 Q. Okay. Okay. So that the complete list of  
4 times that you heard Patti Igarashi make racist  
5 statements or statements that you interpret to be racist  
6 was first the time you overheard her say that she thought  
7 you were local or that you were a fucking haole before  
8 you got hired, the statement after the Reinhardt couple  
9 approached you about a pay issue, a comment she made to  
10 you about previous Wackenhut employees deserving the jobs  
11 over haoles, and then statements she made about haoles or  
12 fucking haoles in the screening area either sort of  
13 broadcast by screaming or in conversations with her  
14 buddies. Is that a complete list?

15 A. And then she -- she -- when I asked her a  
16 question one day, she -- she said to me you -- you F'ing  
17 haoles ask too many questions.

18 Q. Other than that, do I have a complete list now?

19 A. That is a complete list.

20 Q. Okay.

21 A. Best of my recollection, that's complete.

22 Q. Okay. Now, this -- the conversation with the  
23 Reinhardts, as I understand it, the Reinhardts approached  
24 you and Patti together about -- with a concern about when  
25 they were going to get their paychecks, right?

1           A.       They -- they actually approached me first,  
2       asked me -- Patti was standing just a few feet away, I  
3       don't believe she heard what their question was. They  
4       walked -- I -- I told them I would try to find something  
5       out for them and get back. As soon as they walked away,  
6       Patti turned to me, what do those fucking haoles want  
7       now?

8           Q.       Did anybody -- go ahead.

9           A.       That was one of the occasions where I was  
10      pretty upset and I -- I -- I said Patti, best of my  
11      recollection, I said Patti, that's -- you know, that's  
12      wrong. That's not appropriate language for anyone to  
13      use, and -- and on that particular occasion I -- I said  
14      to her we're federal employees now. We're -- we're not  
15      Wackenhut employees, we're not -- we're federal  
16      employees, and I believe I told her on that occasion it's  
17      not only wrong and inappropriate, it's against federal  
18      civil rights rules and regulation laws to -- to talk to  
19      people like that.

20          Q.       What was her response?

21          A.       She started complaining about -- she started  
22      complaining to me about the fact that they'd hired these  
23      people and brought them from the mainland. If they would  
24      have hired more local people, Hawaiian people, that  
25      Hawaiian people were used to doing without, with less and

1 that they would understand that there could be problems  
2 getting their pay on time, and they -- local Hawaiian  
3 people wouldn't be complaining about not being paid.

4 Q. Anything else you recall from that conversation  
5 about the Reinhardts' concern about their pay?

6 A. Not that I can recall.

7 Q. I take it the -- as -- as far as you could  
8 tell, the Reinhardts themselves did not overhear Patti  
9 say the fucking haole comment, right?

10 A. No, they did not.

11 Q. Did anybody else that you could tell overhear  
12 any of the conversation you had with Patti after the  
13 Reinhardts left?

14 A. No. I believe we -- we went off to the side of  
15 the screening area to have the conversation.

16 Q. Was this on a day when you were piggy backing  
17 with Patti?

18 A. I'm -- I'm almost positive it was, yes.

19 Q. Okay. So this would have been in your first  
20 week of work at TSA, right?

21 A. This would have been my fourth, fifth or sixth  
22 day.

23 Q. Okay.

24 A. One of those.

25 Q. Because your first -- because your first three

1 days you were Pat Collins and your next three you were  
2 with Patti?

3 A. Yes.

4 Q. Okay. Now, the situation with the Wackenhut  
5 employees, did you have an understanding that you -- you  
6 knew that Patti Igarashi had until just a couple of weeks  
7 previously been a Wackenhut employee, right?

8 A. She -- she shared that information with me.

9 Q. Was it your understanding that any of the other  
10 screeners, leads, screening supervisors were former  
11 Wackenhut?

12 A. Yes. I -- I knew -- I knew -- I don't believe  
13 there were any supervisors, but there were leads that  
14 were former Wackenhut employees.

15 Q. And who were they? Who were the leads? Who  
16 were the former Wackenhuts?

17 A. There was a lady, I remember her first name as  
18 Evelyn. Actually, that's the only person that I remember  
19 was a former Wackenhut and also a lead supervisor.

20 Q. How about Pat Collins?

21 A. Well, he was a Wackenhut, but he was a  
22 screening manager.

23 Q. Okay.

24 A. Just like I was.

25 Q. Okay. The previous -- the comment that Patti

1 made about previous Wackenhut employees, that was -- as I  
2 understood it, that was different conversation from the  
3 conversation about the -- following the Reinhardts'  
4 concerns or are you --

5 A. Yes, it was.

6 Q. Okay. So Patti said something about the former  
7 Wackenhut people after the Reinhardts left and she also  
8 said something about former Wackenhut people on another  
9 occasion?

10 A. On -- on a separate occasion, she shared with  
11 me her -- her concerns that many of the former Wackenhut  
12 employees had not been offered positions with TSA and  
13 that was, in her opinion, some of the problems that were  
14 going on were because they had brought in outside haole  
15 people.

16 Q. Now, were the -- the -- the Wackenhut people --  
17 were they the -- the people who she'd worked with at  
18 Wackenhut, was that -- were there some Caucasians in that  
19 group?

20 A. If there were, I -- I don't believe I ever met  
21 them. They were mostly local people.

22 Q. So did -- tell me as close as you can what  
23 exactly Patti said about Wackenhut versus -- versus local  
24 versus outsiders versus haoles, I mean what -- what were  
25 the -- her words, as best you can recall?

1           A.       The best of my recollection is she -- she  
2       shared that she thought local people would have been able  
3       to adjust to the -- the situation at work. Some of the  
4       people did not receive paychecks for six or seven weeks.  
5       And that local people, she -- she -- on several occasions  
6       she shared with me that local people were used to doing  
7       with less and -- and would be better suited for it, they  
8       understand -- they understand the local culture better  
9       than -- than someone -- a Caucasian person from the  
10      mainland, or -- or from anywhere. That they would fit in  
11      better and they would understand how everyone lives in --  
12      in Hawaii and -- and it was really bad that she -- she  
13      just thought it was horrible that TSA hired all these  
14      local people and -- and I asked her one time, I said  
15      well, how come more Wackenhut people didn't get hired,  
16      why did they not apply, and she shared that many of them  
17      had applied but they had not passed the initial exams to --  
18      to get into the system. And she also shared with me that  
19      she had -- she looked really bad because she had promised  
20      many people that they'd be coming on board with her from  
21      Wackenhut and -- and because of the system that they had  
22      that she now -- she had lost face with many of the local  
23      people in getting them positions.

24           Q.       Was it your understanding that Patti Igarashi  
25      made an exception or -- or would treat Caucasians who had

1 lived on Maui for a long time or were born and raised in  
2 Hawaii, that she would treat those people essentially as  
3 locals?

4 A. Well, she told me -- she told me when I -- I  
5 challenged her one time, I told her I did not like the  
6 term fucking haole. Her and myself in a private  
7 conversation, I said Patti, I -- I'm offended when you  
8 use that term, I know other people are, and she made it a  
9 point to say well, you've lived here for three or four  
10 years, you're a local person. I said I'm still a haole  
11 and I still am offended and it's -- it's not a term to  
12 use, and I totally believe, you know, she was just trying  
13 to get out of the situation she had talked herself into  
14 by saying well, you're different, you've lived here  
15 three, four years. She didn't -- she truly didn't mean  
16 anything other than just trying to get me to be quiet  
17 about my complaint to her that she was using  
18 inappropriate terms and language and offending people.

19 Q. In the way she treated people, did you see that  
20 she treated Caucasians from Hawaii better than Caucasians  
21 from the mainland?

22 A. I -- I didn't see that. I -- if -- if she did,  
23 I did not see it and I don't -- I can't answer that.

24 Q. Okay. Did you -- I -- I think you said in one  
25 of your statements, that you complained -- you tried to



1 complain to Howard Tagomori about Patti's use of racial  
2 terms during the chain of command counseling. Is that  
3 correct?

4 A. I did not bring it up in that counseling with  
5 Howard Tagomori. I brought it up to -- I brought it up  
6 to Filbert Carvalho.

7 Q. When did you bring up -- bring it up to  
8 Filbert?

9 A. I -- to be exact, I actually brought it up to  
10 Patrick Collins first, and then I brought it up to  
11 Filbert on a second occasion fairly early, maybe like the  
12 end of my first week, because I had witnessed some --  
13 some pretty nasty things being said.

14 Q. Okay. So I -- I think you've talked about  
15 telling Patrick Collins about your concerns about Patti  
16 and -- right? You testified about that already?

17 A. Right.

18 Q. And Patrick Collins after you complained to him  
19 about Patti's racist statements, he said roughly that  
20 that's the way she is?

21 A. He said that's Patti being Patti and -- but he  
22 also told me be very careful how -- what I say around  
23 her. Something to that effect.

24 Q. Do you recall anything else that Patrick  
25 Collins said when you told him that you were concerned



1 about Patti's racial comments?

2 A. No. Basically just that was Patti being Patti.

3 Q. Okay. And then what was the setting in which  
4 you brought it up to Filbert Carvalho about Patti making  
5 racial comments?

6 A. I knew Patti had -- I knew Patti -- I knew that  
7 Patti was trying to cause some problems for me. I think  
8 she was trying to make herself look better by making me --  
9 trying to make me look worse and I -- I went to Fil and  
10 and I -- I said I know Patti has been talking about me,  
11 she's made up -- she said whatever, and I said she's --  
12 on several occasions she's used some very inappropriate  
13 language. And he -- he was sort of like Patrick was. He  
14 said well, that's just Patti being Patti, she's -- she's  
15 that way, she doesn't mean any -- any harm, but if it  
16 continues, you know, let me know, or something to that  
17 effect.

18 Q. Did you ever talk --

19 A. He didn't seem very concerned.

20 Q. Did you ever talk to Mr. Carvalho again after  
21 that one time about if it happens again, about Patti's  
22 racial comments?

23 A. No. I don't -- I don't believe -- I -- I think  
24 I was terminated before I had an opportunity to ever say  
25 anything again.

1 Q. Okay. So fairly early on in your employment,  
2 you talked to both Patrick Collins and Filbert Carvalho  
3 on one occasion each about Patti's racial comments,  
4 right?

5 A. I did.

6 Q. And neither of them expressed very much  
7 concern. Is that correct?

8 A. I think they -- they did not express very much  
9 concern.

10 Q. And Fil Carvalho said well, if she keeps it up,  
11 let me know, right?

12 A. That's pretty much correct, yes.

13 Q. And before you ever brought it up again to  
14 Mr. Carvalho, you'd been terminated?

15 A. Yes.

16 Q. And those are the only two people in the TSA  
17 hierarchy who you ever told about Patti Igarashi's racist  
18 comments, right?

19 A. That is correct.

20 Q. Did you ever tell -- before you were  
21 terminated, did you ever tell anyone else outside the TSA  
22 hierarchy about Patti's racist comments?

23 A. I did not.

24 Q. Okay. So you never told any of your  
25 subordinate employees, never told Rusty Harlan or Ann

1 Werstler or any of those people about it?

2 A. I don't -- I did not tell them about it, but  
3 they certainly mentioned it to me on several occasions.

4 Q. Mentioned what?

5 A. That Patti used inappropriate language and  
6 racial comments, inappropriate racial comments.

7 Q. Okay. That's our next list. Tell me all the  
8 people who told you or -- that Patti was -- well, tell me  
9 all the people -- let me do this a different way. Did  
10 anybody complain to you about hearing racial comments  
11 from anyone other than Patti?

12 A. Could you say that again, please?

13 Q. Did anybody complain to you about racial  
14 comments from anyone other than Patti?

15 A. From anyone other than Patti? No.

16 Q. Okay. So is -- is it correct to say that the  
17 only person who TS employees complained to you was making  
18 racial comments was Patti Igarashi?

19 A. That is true.

20 Q. Okay. Now, tell me all the people who made  
21 that complaint to you. Just list off the names.

22 A. Rusty, Ann Werstler, there was another female  
23 supervisor, I don't remember her name, she was a previous  
24 United Airlines employee.

25 Q. What was her -- what did she look like?

1 A. Blonde lady, medium height.

2 Q. Angela Williams?

3 A. Yes.

4 Q. Okay.

5 A. Yes. Angela. She wasn't a screener supervisor  
6 initially but she became a supervisor. She had dark  
7 hair.

8 Q. Davelyn?

9 A. Five foot --

10 Q. Davelyn Gordon?

11 A. Yeah. That's her name, yes. She -- she came  
12 to me, also.

13 Q. Davelyn Gordon came to you and said that Patti  
14 Igarashi is making racist comments?

15 A. She -- she had the conversation with me where  
16 she shared her feelings that she didn't know, you know,  
17 if it was -- if she should try to do something about it,  
18 if -- if I -- but she did. She shared -- she shared on  
19 an occasion that she was concerned about some of the  
20 comments that were being made.

21 Q. Now, Davelyn is local, right? Or do you know?

22 A. I don't. I -- I don't even know.

23 Q. Okay. What did Davelyn tell you about what  
24 Patti was saying?

25 A. That -- well, that just the inappropriate

1 comments that she was using and many people were scared  
2 of Patti.

3 Q. Wait. Wait a second. I'm -- right now I'm  
4 just asking you about what Davelyn Gordon told you. And  
5 did she say Patti is -- she used the phrase inappropriate  
6 comments or was she more specific about what the  
7 inappropriate comments were?

8 A. I'm -- I'm going to say she said inappropriate  
9 comments, inappropriate language.

10 Q. Did she -- did Davelyn indicate that Patti was  
11 making inappropriate racial comments?

12 A. I'm going to just have to say it was  
13 inappropriate comments because I can't -- I just can't  
14 remember.

15 Q. Okay. How about Rusty, what did Rusty tell you  
16 about what Patti was saying?

17 A. Rusty I'm sure -- I'm -- I'm positive Rusty  
18 mentioned that she made inappropriate racial comments.

19 Q. Ann, how about Ann?

20 A. Ann, same thing, that Patti used inappropriate  
21 racial language.

22 Q. And how about Angela? Same thing?

23 A. Same thing.

24 Q. Okay. And would they -- did any of these folks  
25 quote her as saying fucking haoles or quote any of the

1 comments that she made to you?

2 A. I believe Ann and Rusty both quoted her and  
3 some of the comments she had made, yes.

4 Q. And what were the quotes they gave you?

5 A. That she -- she had called people F'ing haoles  
6 and just upset at the number of Caucasian screeners that  
7 were working there was wrong, it should be local people.

8 Q. Did Rusty, Ann or Angela, did any of them  
9 complain that they personally had been called fucking  
10 haole?

11 A. I don't -- I don't recall them ever telling me  
12 that.

13 Q. And you yourself, Patti never said to you --  
14 she never called you a fucking haole, right, correct?

15 A. Yes, she did. Yes, she did.

16 Q. When did she do that?

17 A. Yes. I asked her a question one day and -- and  
18 she turned to me and she said you fucking haoles ask too  
19 many questions.

20 Q. Other than that, that was the one occasion  
21 where she called you a fucking haole, right? That was  
22 the only occasion?

23 A. That, and then when she was in the office and I  
24 was waiting outside the door.

25 Q. Okay. Rusty, Ann Werstler, Angela Williams,

1 Davelyn Gordon, those -- is that a complete list of the  
2 people who complained to you about Patti making racist  
3 comments?

4 A. That is a complete list of the people I can  
5 remember. There were screeners that came to me, but I  
6 cannot remember a name and I can't give you a description  
7 of them.

8 Q. Okay. Next thing I want to do is get a list of  
9 all the ways in which you think Caucasians and non  
10 Caucasians were treated differently from one another in  
11 the course of what you saw personally or what you knew of  
12 from your employment at TSA. And I think we've talked  
13 about the training issue already or the way information  
14 was passed out to people. Other than that, can you tell --  
15 tell me all the ways in which you think Caucasians were  
16 treated differently from non Caucasians?

17 A. I think there was three -- there were three  
18 separate situations. One, when we -- when we had to pick  
19 people to -- to go to the individual gates and do the  
20 screening of passengers at the gates, Patti was pretty  
21 much in charge of that operation. It was almost a little  
22 bit of a reward to be on that particular mission because  
23 it got you out of the main screening area and you got to --  
24 you got a little bit more break because you -- you  
25 weren't constantly screening people, only when the flight

1 was departing. And I -- I observed Patti picking her  
2 favorite -- some of her favorite screeners, which were --  
3 I'm going to say 100 percent were local people. They  
4 were people that worked with her at Wackenhut previously,  
5 but they were definitely local people. And that was sort  
6 of a little bit of a benefit to get selected for that,  
7 that mission. Second incident, we had to select people  
8 to send them to additional training to run the baggage  
9 screening operation behind the scenes and it was an  
10 additional training and it was done -- it was done in  
11 Lahaina by a special team that came in to train, and I  
12 believe those people were picked by -- by Fil and Patti,  
13 probably Patti's recommendations, and again, if there  
14 were any Caucasian people selected for that, I wasn't  
15 aware of that. They were locals. And a third situation,  
16 we -- we had to send some people on temporary duty to  
17 some of the other airports. We sent people to Tahiti, we  
18 sent people to the Big Island because they were short  
19 screeners, and again, it was kind of a special deal  
20 because they received quite a bit of overtime pay, they  
21 received per diem for their time there, and again, they  
22 were almost always local people and not Caucasian  
23 screeners selected for those missions.

24 Q. Mr. Young, I -- I do want to get your complete  
25 testimony on this subject. I think that there are a



1 couple of incidents that you related in -- in your  
2 various statements in addition to what you've just told  
3 me including the way lead screeners were picked, or  
4 changes were made in the lead screener assignments, and  
5 there are probably a couple others. What I want to do  
6 right now is take another five minute break and ask you  
7 to look at your statements and make sure, and if you want  
8 to talk to your lawyer about whether you've got a  
9 complete list, because I really do want to make sure that  
10 this is -- you tell me about everything here. This is  
11 pretty important stuff for me. So let's take a five  
12 minute break.

13 A. Okay.

14 Q. And please go over your affidavit, and if you  
15 want to talk to your attorney, please do.

16 MS. HEVICON: Okay. I'm going to --  
17 I'm going to step outside, Tom, so read them and then  
18 call me if you need to.

19 A. Okay.

20 MS. HEVICON: You got my number.

21 THE VIDEOGRAPHER: The time is 1:06,  
22 we're going off the record.

23 (Discussion off the record.)

24 Q. (By Mr. Helper) What I'm trying to do is get --  
25 get from you a list of all the incidents in which you

1 thought Caucasians were treated differently from non  
2 Caucasians, and you gave me three instances. Do you have  
3 any more?

4 A. Well, after reading the notes, I do remember  
5 now on uniform violations --

6 Q. Just -- just give me the list. Uniform  
7 violations is the fourth item. What -- anything else?

8 A. No, I think that's it.

9 Q. Well, how about the promotions?

10 A. Well, yeah. That's a whole separate issue  
11 though.

12 Q. Well, excuse me. I'm --

13 A. No problem.

14 MS. HEVICON: We're eating Cheetos.

15 MR. HELPER: I think it's -- I think  
16 there ought to be -- and there's probably something in  
17 the federal rules and civil procedures that says don't  
18 eat Cheetos when you're wearing a microphone but --

19 MS. HEVICON: It's all part of my  
20 master plan to throw him off.

21 MS. BUXTON: Your microphone is going  
22 to be orange.

23 MR. HELPER: Okay. I won't -- I'll  
24 stop. I'm sorry.

25 Q. (By Mr. Helper) What I'm asking you for is a

1 list of all the way -- all the occasions in which you saw  
2 Caucasians being treated differently from non Caucasians,  
3 and I think you've said in declarations or -- that you  
4 saw a change in the supervisors where some supervisors  
5 were demoted and others were -- other people were  
6 promoted into supervisor positions.

7 A. Yes. They -- uniforms being one, the promotion  
8 policy which they put into place but got rescinded, and  
9 just on normal daily screening operations and then maybe  
10 we've already covered this one, but there are three other  
11 ways I saw Caucasian employees being treated different.

12 Q. And -- and that was the ways you talked about  
13 with the way they were picked to do certain duties?

14 A. Well, that's -- well, no. That's an additional  
15 one. These are three -- after looking at this brief, I  
16 see three other instances.

17 Q. Okay. And what are those, those three?

18 A. The uniform violations. Caucasian screeners  
19 would be constantly corrected, counseled if you -- I  
20 guess is the -- what they were being done, but for the  
21 same things. Caucasian screener would come in with a  
22 flower behind her ear and just get, you know, land  
23 blasted for it, and -- and a local person come in with a  
24 flower behind her ear and walk right past Patti or Fil  
25 Carvalho and not a word was said about it. Earrings,

1 jewelry, all -- all being uniform issues.

2 Q. Okay.

3 A. On the promotions, the -- the -- the lead  
4 screeners and the screener supervisors were hired by the  
5 contract service that hired all the TSA employees around  
6 the country. They were hired for lead screener or  
7 supervisor. They came with a document saying they were a  
8 supervisor. At some point as we went along, I want to  
9 believe it was the beginning of my second week, we were  
10 told that these people would no longer be supervisors and  
11 they furnished a new list of lead screeners and  
12 supervisors who were on -- I'm almost sure all were local  
13 people, and that kind of back fired. The -- the people  
14 that were originally hired to be supervisors filed  
15 complaints, they -- some of them I think called  
16 Washington, DC, and we got a directive back from  
17 Washington, DC that the people -- individual airports did  
18 not have the authority to just randomly remove all their  
19 supervisors and place their own hand picked people in  
20 those positions.

21 Q. Okay. Okay. Now --

22 A. Third issue --

23 Q. Go ahead.

24 A. The third -- the third issue -- I lost my train  
25 of thought now. Oh, I -- I -- just normal daily

1 screening activities. There were three or four lanes of  
2 people being screened by three or four different  
3 screeners, and over on one side of the room someone could  
4 be using -- and we did talk about this earlier, it could  
5 be using the wand a certain way, it could be having a  
6 person stand a certain way. In the middle of the room  
7 there would be a Caucasian screener doing the very same  
8 exact thing and -- and Patti in most -- I believe all  
9 cases, Patti would go over there and -- and really, you  
10 know, get after this person for doing the same exact  
11 thing that screeners on either side were doing. It could  
12 be as simple as the way they held the wand, the way they  
13 asked the person to stand and hold their arms outright.  
14 But there was certainly a difference -- the local, local  
15 screeners weren't doing it wrong, the Caucasian screeners  
16 weren't doing it wrong, but she would make a point to  
17 point out to the Caucasian screeners she thought they had  
18 done it wrong or should be doing it a -- a better or  
19 maybe in a different fashion.

20 Q. Okay. Let me make sure -- is that -- is that --  
21 are we done with the list?

22 A. Yes.

23 Q. Okay. So let me make sure I've got a -- a  
24 complete list of all the occasions on which you saw  
25 Caucasians being treated differently from non Caucasians.

1 First -- and -- and I've got six items on my list. One,  
2 the way people were picked to go to the gates, two, the  
3 way people were picked to go to Lahaina, three, the way  
4 people were picked to go to other airports in Tahiti,  
5 including Tahiti, four, uniform violations, the way those  
6 were handled, five, the way the promotions were handled,  
7 and six, just the way people were counseled or  
8 disciplined for their on the job actions.

9 A. Yes.

10 Q. That's a complete list of all the occasions in  
11 which you saw Caucasians being treated differently from  
12 non Caucasians?

13 A. Yes.

14 Q. Okay. Let's go through them one by one.  
15 Picking people to go to the gates, this was done by  
16 Patti, right?

17 A. Patti was in charge of that detail.

18 Q. And is this -- how many times did you see Patti  
19 picking who would go to the gates and who wouldn't?

20 A. Probably four -- four, maybe five days in a row  
21 before I left.

22 Q. Meaning -- was this during the piggy backing  
23 time or a different time?

24 A. No, this was -- this was at a different -- this  
25 was my third week there. Patrick and I were sharing the

1 duties in the main screening area, Patti -- Patrick would  
2 work the morning shift, I'd work the afternoon shift.  
3 Patti would be supervising the gate screening personnel.  
4 She may come in and work maybe four hours in the morning,  
5 she'd depart, she'd come in and work maybe four or five  
6 hours in the afternoon and split her day up a little bit.

7 Q. And what was the reason -- what was your  
8 understanding of the reasoning for having people screened  
9 at the gates as well as at the front of the airport?

10 A. It was -- the reason was never shared with me  
11 why they chose to do that particular procedure.

12 Q. Okay. And you don't have any understanding,  
13 you -- you can't think of any reason yourself why that  
14 would be true, why they would do that?

15 A. No.

16 Q. Okay.

17 A. I -- I -- I don't know why they did that.

18 Q. Okay. Did you ever ask?

19 A. I -- I don't believe I ever asked, no.

20 Q. And the people who were picked to go to the  
21 gates, as far as you could tell, and -- and I'm sorry,  
22 you saw the -- you saw Patti going through the -- the  
23 picking of who would go to the gates four times, right?

24 A. Four times.

25 Q. And how many people were picked to go to the

1 gates?

2 A. I'm going to -- somewhere between probably 15  
3 and 20 people.

4 Q. And your -- and -- and how would the -- the  
5 picking be done, would it be like everybody standing in a  
6 big room and Patti would say you, you, you go, or --

7 A. No.

8 Q. -- names on a list or what?

9 A. No. The -- the night before she would provide  
10 a list of who she wanted for the next day to work the  
11 gates, and we would notify those screeners that they'd be  
12 working with Patti at the gates on the following day.

13 Q. And was it your understanding that -- I mean  
14 was it your perception that she picked people, she -- she  
15 would pick Wackenhut people, people she had worked with  
16 at Wackenhut to -- to work under her on the gates?

17 A. Well, I won't necessarily say they were  
18 Wackenhut but they were local people. They were -- they  
19 were not Caucasian people.

20 Q. Okay. Were they primarily Wackenhut people?

21 A. There certainly probably -- I know there was  
22 one or two, but I really -- I don't know how many really  
23 were Wackenhut. Out of those -- out of the group she  
24 picked, I don't have the ability to tell you that they  
25 were Wackenhut. They were local people though.



1 Q. Did you know at the time that you were there at  
2 TSA who were former Wackenhut and who wasn't or did you  
3 just know some people were and some people weren't  
4 without really knowing which individuals those might be?

5 A. I knew a handful because they -- they would  
6 share that they had formerly worked for Wackenhut, but  
7 not very many. Less than probably five or six.

8 Q. Okay. How many people -- how many times were  
9 people picked to go to Lahaina? Was it just once?

10 A. Just once for I believe about a seven day  
11 training course.

12 Q. Okay. And it's your perception that again,  
13 that was all local people?

14 A. I -- I do not remember one Caucasian being  
15 selected for that.

16 Q. Okay. And we're -- we're throwing around this  
17 term local a lot. Is it your definition when you use the  
18 word local, that you mean non Caucasian person from  
19 Hawaii?

20 A. Non Caucasian.

21 Q. Okay. But from Hawaii, non Caucasian from  
22 Hawaii, right?

23 A. Right.

24 Q. I mean because you could be a -- a Japanese  
25 person visiting, a Japanese tourist and you're not local,

1 right?

2 A. Right.

3 Q. I mean a Japanese tourist would not be local,  
4 correct?

5 A. Right. Right.

6 Q. Okay. Who -- and -- and what was the procedure  
7 for who would be picked to go to Lahaina?

8 A. Again, I'm not real sure. I -- I believe it  
9 was a list of names that Patti provided Fil Carvalho, and  
10 Patti and Fil Carvalho selected the guys that -- guys and  
11 gals that got chosen to go to this training in Lahaina.

12 Q. Going back to this issue of how -- how people  
13 were picked to go to the gates, it's your understanding  
14 that Patti made the list, right?

15 A. Patti made the list for that.

16 Q. How -- how do you know?

17 A. Because she would come to me with the list and --  
18 and it was certainly in her handwriting and say these are  
19 the people I want to use tomorrow.

20 Q. Okay. And as far as -- and it sounds like you  
21 were a little less sure that it was Patti who picked the  
22 people who go -- went to Lahaina?

23 A. I'm -- I'm less sure, yes.

24 Q. Okay. What's -- why do you think it was Patti?

25 A. Because many of them were her -- were the

1 screeners who in the three weeks I was there, it was very  
2 easy to see where her favorites, I guess.

3 Q. Can you tell me -- tell me any -- any of the  
4 individuals who you thought were her favorites?

5 A. I don't have a name, I couldn't even provide a  
6 description.

7 Q. But --

8 A. They -- they weren't Caucasian.

9 Q. Okay. I'm not sure I can read my own  
10 handwriting here. You say that there was different  
11 treatment of the way Caucasians and non Caucasians were  
12 sent to -- was it just Tahiti or was it other airports  
13 including Tahiti?

14 A. It was other airports. We -- we sent them to  
15 Kauai, the Big Island, I know we sent a team to Tahiti.

16 Q. Okay.

17 A. I don't remember if we sent anywhere else.

18 Q. On how many occasions did you see or were you  
19 knowledgeable about the procedures where TSA screeners  
20 were picked to go to other airports? How many times?

21 A. Probably just twice. One time was Tahiti and  
22 one time was for screeners for Kauai and -- and the Big  
23 Island.

24 Q. Okay. And who did the picking for the Tahiti  
25 trip? Do you know?

1           A.       I'm -- I'm sure the final decision was probably  
2       made by Fil Carvalho, but I believe Patti certainly had  
3       influence. I -- I know she did, I saw her going around  
4       with Fil and -- and approaching people and asking them if  
5       they would go to Tahiti or the Big Island or -- or -- or  
6       Kauai.

7           Q.       Okay. And was it your perception again that  
8       only local people were asked to go to Tahiti, the Big  
9       Island, or we'll -- let's stick with Tahiti for -- for --  
10      for now?

11          A.       I never saw anyone but local people go on these  
12      Tahiti-Hawaii missions.

13          Q.       Would you see them lined up to get on the plane  
14      or how would you know who --

15          A.       Because they wouldn't -- they wouldn't be on my  
16      shift the -- the next day. I mean Patti and Fil would go  
17      through the screening area talking to people, asking them  
18      if they wanted to go on this mission, if they could go on  
19      the mission. People would constantly come to me and ask  
20      if I had any details, what date were they leaving, how  
21      long would they be there. It was pretty obvious who was  
22      going and who was not.

23          Q.       Okay. The uniform violations, did you ever see  
24      Patti reprimand or counsel or criticize any local  
25      employee for any uniform violation?

1 A. I saw her talk to someone about covering up a  
2 tatoo. Tatoos weren't supposed to be visible. If they  
3 were on your arm, you had to cover them somehow.

4 Q. Estimate how many times that you observed Patti  
5 expressing any kind of concern to a Caucasian employee  
6 about anything to do with the dress code?

7 A. Six to ten times.

8 Q. And you saw her criticizing local -- a local  
9 employee on one occasion?

10 A. On one occasion.

11 Q. Okay. And were there other dress code  
12 violations that she could -- I'm sorry, how many -- and --  
13 and how many -- was this -- was this just in the three  
14 days you were piggy backing with -- with her or was this  
15 on other days where you guys were working the same time  
16 as well?

17 A. This was on other days, also. The majority of  
18 them would be when I was piggy backing with her, but when  
19 we would change shifts with each other, we would have an  
20 hour to an hour and a half of overlap time with each  
21 other.

22 Q. Okay.

23 A. So I observed it on some occasions then, also.

24 Q. Okay. So after you got done piggy backing,  
25 there -- you might have spent a total of maybe 15 or 20

1 hours working the same shift as Patti?

2 A. Maybe a little bit longer because I would be  
3 there for eight or ten hours when she would be operating  
4 the gate screening operation.

5 Q. Okay.

6 A. So it could have been more hours than that.

7 Q. Okay. Do you remember any of the -- well, let  
8 me ask you this. The Caucasian employees who -- who  
9 Patti criticized for dress code violations, were they in  
10 fact in violation of the dress code?

11 A. Yes.

12 Q. And I think in this list, I may have asked you  
13 this before, but this list we've compiled of the way  
14 Caucasians and non Caucasians were treated differently,  
15 we've talked mainly about Patti. Were there other  
16 supervisors who treated Caucasians and non Caucasians  
17 differently other than Patti?

18 A. No.

19 Q. Okay. So Patti Igarashi is the only supervisor  
20 at TSA who you observed treating Caucasians worse than  
21 non Caucasians, is that correct?

22 A. That is correct.

23 Q. Okay. Okay. And -- okay. Now, this  
24 promotions issue, can you name -- can you tell me any of  
25 the supervisors who lost supervisory positions at TSA

1 Maui?

2 A. Well, initially just about everyone that  
3 started as a supervisor or as a lead supervisor for  
4 probably a period of three or four days lost their job.  
5 They -- they came up with a complete new list of  
6 supervisors and lead supervisors and told these people  
7 they were now filling those positions and -- and told the  
8 former supervisors they were demoted to screeners. And  
9 after three, four days, it could have been just a little  
10 bit longer, word came down that they had no authority to  
11 change these supervisors around, so everyone that started  
12 again was supervisors and lead supervisors and the local  
13 people that had been placed in those positions went back  
14 to being screeners, so now you had two groups of people  
15 very upset.

16 Q. So who were the screeners, the supervisor  
17 screeners who for a short time lost their supervisory  
18 positions?

19 A. I -- I -- almost everyone that held the  
20 position.

21 Q. But can you name any of them?

22 A. I -- I don't -- I can name three or four people  
23 who did lose their position, Rusty, Ann Werstler, there  
24 was a lead, she was a local, local woman, I don't know  
25 her name but she had been a prior -- she was a



1 correctional officer before she started at TSA. She kept  
2 her position, Angela kept her position. I believe there  
3 were four, maybe five that kept their positions.

4 Q. Elizabeth Masuda, was she a -- the former  
5 corrections --

6 A. Yes.

7 Q. -- officer?

8 A. Yes.

9 Q. Do you recall there being confusion about who  
10 was supposed to be a supervisor and who wasn't? Do -- do  
11 you recall an incident, any occasion in which management  
12 was asking people what sort of appointment they received --  
13 received -- received from the -- the contractor?

14 A. I -- I remember the situation. There was --  
15 there appeared to be confusion. I don't know why because  
16 these people came to us with a formal contract that they  
17 were given before -- as part of their hiring process and  
18 it clearly stated what position they were to be -- to --  
19 to start at. And why management was confused about that  
20 is beyond me. It was -- there was no -- there should  
21 have been not -- not even the slightest amount of  
22 confusion.

23 Q. Did you have --

24 A. These people were -- these people were -- came  
25 to work with a contract in their hand and it clearly

1 defined the position they were hired for. The confusion  
2 resulted when the local management decided that they did  
3 not want those people to be supervisors but they chose  
4 themselves the people they wanted in those positions.

5 Q. And do you have an understanding as to who made  
6 that decision as to who was going to be the new  
7 supervisor?

8 A. I -- I honestly don't know who made that  
9 position. I -- I assume that it was Lowrey Leong. They  
10 came and asked us if we would recommend people to be new  
11 supervisors. Of course I had only been there a very  
12 short time, I didn't know very many people, so those  
13 decisions, those recommendations were Patti, Patrick  
14 Collins and Fil Carvalho made those recommendations.

15 Q. Who -- who asked you for your recommendation?

16 A. I believe Fil Carvalho asked me for my  
17 recommendation if I -- if I thought I could recommend  
18 some of the people I had been working with for  
19 supervisors.

20 Q. And did you make any recommendations?

21 A. I -- I did not because I had read many of these  
22 contract letters that these current supervisors had,  
23 because this was common knowledge that they were trying  
24 to make this switch, and people would bring these letters  
25 in and show them to me and it clearly stated that they

1 had been hired by the federal government for that  
2 specific position. It did not say anything that anyone  
3 had the ability to just randomly replace them with  
4 someone else.

5 Q. Did you have an understanding that the  
6 information that was in the contracts, there was no list  
7 available to the management of who was supposed to be in  
8 what position and the only way they could get that  
9 information was to actually ask people to bring in their  
10 contracts so that management could see what they'd been  
11 appointed to?

12 A. That's what we were told, that there was not an  
13 individual list provided to management and I believe it  
14 was on my second day, because that's what -- on my second  
15 day of piggy backing with Fil, with Patrick Collins, he  
16 asked me to collect everyone's letter that they brought  
17 in. Everyone that had been hired as a lead or a  
18 supervisor brought their letter, their contract letter  
19 in. I collected them, I gave them to Fil Carvalho, so on --  
20 on that second day, management knew exactly who was lead  
21 and who was a supervisor.

22 Q. And then it's your understanding that some of  
23 the people who had letters saying you are appointed to  
24 being a lead screener, they would -- they were taken out  
25 of that position and put onto -- just as -- as screeners,

1 right?

2 A. Yes, they were. Most of them were.

3 Q. The way that -- and -- and I'm sorry, you -- I --  
4 I take it you never saw any list of people who were  
5 supposed to be -- one -- one master list sort of people  
6 who were supposed to be the supervisors, right?

7 A. I didn't see the list, but I know a list was  
8 created from all the individual contracts.

9 Q. Okay. The way -- I think you talked about the --  
10 the inconsistent application of the procedures, the way  
11 that Patti would criticize people, Caucasians for  
12 violating the rules when there hadn't really been a  
13 violation, is that right?

14 A. No, I -- I -- there may have been a violation,  
15 but there was also a violation two -- two rows over, but  
16 she would ignore that person and only correct the  
17 Caucasian screener.

18 Q. How many times did you see Patti Igarashi  
19 correct a non -- I'm sorry, a Caucasian screener for any  
20 violation of the rules?

21 A. A half a dozen times, six times.

22 Q. Did you ever see her correcting a non  
23 Caucasian?

24 A. Only on one occasion.

25 Q. And were all seven of these occasions where she

1 corrected a screener legitimate violations of the rules?

2 A. They -- they were. Yes.

3 Q. Okay. So I guess your criticism is not that  
4 she would criticize Caucasians, it's that she would let  
5 non Caucasians slide?

6 A. Yes.

7 Q. Okay. And did you have any access to the  
8 writeups that Patti Igarashi did of various employees?

9 A. I didn't -- I didn't have any access to her  
10 writeups.

11 Q. Now, what was your understanding as to the  
12 writeup policy when you were there?

13 A. I was -- I was told the writeup policy was to --  
14 if you observe someone doing something wrong, you would  
15 write up a letter or a counseling letter and place it in  
16 their official file.

17 Q. And this was -- were you told to write up  
18 individuals even for what you might consider to be  
19 relatively minor infractions?

20 A. I was -- I was told by Fil Carvalho one day  
21 that we needed to write up everything we saw because we  
22 had too many employees and we needed to eliminate some of  
23 them.

24 Q. And did he tell you to treat Caucasians  
25 differently from non Caucasians in the way you were --

1 you were writing up -- writing them up?

2 A. He did not.

3 Q. Did he give you any indication or hint to you  
4 in any way that you should do such a thing?

5 A. He did not. No.

6 Q. Did anybody else?

7 A. No one -- no one -- no one in management said  
8 anything to me. I had heard rumors that people in  
9 management had -- had put the word out to write up  
10 Caucasian people.

11 Q. But that's all you have, you don't have any  
12 first hand knowledge of such a statement being made,  
13 correct?

14 A. I do not have any first hand knowledge.

15 Q. Okay. When Patti Igarashi corrected the  
16 Caucasian employees for violating the rules, how did she  
17 do it? What was her demeanor, her manner?

18 A. She was less than professional about it. I --  
19 I saw -- I saw a range of being almost professional to  
20 being totally unprofessional in -- in other instances.

21 Q. I'm going to go back to this writeup issue for  
22 a second and ask you about something in your declaration --  
23 I'm sorry, your affidavit, which is Exhibit A, and I'm  
24 looking at page seven. Exhibit A?

25 A. Okay.

1 Q. And is -- I -- I think you were probably  
2 referring to this meeting earlier. This is the meeting  
3 that you were talking about in the second full paragraph  
4 that begins at one point in the meeting when you said  
5 Mr. Carvalho said that he wanted writeups so -- in -- in  
6 the file so they could get rid of employees. This is the  
7 meeting you're talking about that happening?

8 A. Yes.

9 Q. So the statement by Mr. Carvalho that employees  
10 should be written up so that TSA could get rid of them  
11 was made in the presence of you, Miss Igarashi and  
12 Mr. Collins, right, and Mr. Carvalho?

13 A. Yes. Yes.

14 Q. Okay. And then it says -- and then you've got  
15 at the bottom of that paragraph something crossed out,  
16 when I pressed the issue, Mr. Tagomori said God damn it,  
17 that is because that is the way I want it. Did that  
18 happen?

19 A. No. No. He was not in that -- he was not in  
20 that meeting. This -- this was -- I don't know how --  
21 why she put that in that paragraph because he was not in  
22 that meeting.

23 Q. So this affidavit is typed up by someone with  
24 the civil rights office, is that right, or the contract  
25 EEO investigator named Justi Rae Miller?

1 A. Yes.

2 Q. And she took your statement and -- or she  
3 talked to you and then typed something up and sent it to  
4 you?

5 A. Yes.

6 Q. Okay. And so that you made some corrections  
7 and initialed them all and one of the -- this is one of  
8 the -- just one of the corrections you made?

9 A. Yes.

10 Q. Okay. That makes sense. Now, this corrective  
11 from Washington about their promotions, who told you that  
12 Washington had told management that they couldn't change  
13 all the supervisors?

14 A. Fil -- Fil Carvalho.

15 Q. Okay. Did Fil Carvalho ever tell you how  
16 management was deciding who should be made a -- a  
17 supervisor and who shouldn't?

18 A. He did not share any information on that  
19 subject with me, no.

20 Q. But he did ask for your opinion on that  
21 subject, right?

22 A. He asked if I wanted to recommend anyone from  
23 the groups of people I had been working with.

24 Q. Okay. And you did not make -- you -- you did  
25 not make any recommendations because you hadn't been



1 there long enough, right?

2 A. I didn't make any recommendations because I  
3 didn't know the people very well, and I also knew that  
4 people had legitimate contracts and positions already.

5 Q. Okay. Did you ever -- were you aware of some  
6 kind of a hotline or complaint line for TSA employees?  
7 While you --

8 A. I was aware -- yes, I was aware of a TSA  
9 hotline, I think it was called.

10 Q. Did you ever call that hotline?

11 A. I never called the hotline.

12 Q. Okay. Did you ever -- did you have any contact  
13 with the MSF -- did anybody with the MSF ever tell you to  
14 be concerned about management or to watch out or  
15 management is racist or anything like that?

16 A. They did not tell me that management would --  
17 was racist, but they -- they did not speak highly of  
18 management. They told me some of the best screeners that  
19 they had dealt with in their experience traveling around  
20 the country, but very, very poor management.

21 Q. And who told you that?

22 A. One of the supervisors from the roll out team  
23 from the -- the mobile team, Caucasian man, 35 to 40  
24 years old. I don't know his name.

25 Q. Do you recall what airport he was from

1 originally?

2 A. He was from Florida, but the exact airline or  
3 airport, I don't remember.

4 Q. Tampa maybe?

5 A. It -- it could be but --

6 Q. Okay.

7 A. I'm kind of guessing.

8 Q. Okay. In your Exhibit B on page three, you  
9 talk about -- do you have that?

10 A. Yes, uh huh.

11 Q. And it says the underline or section A period,  
12 I request you contact some of the MSF screening force,  
13 some of the members of that team complimented the Kahului  
14 Airport for having some of the best screeners they have  
15 seen but also said that we have the worst management of  
16 any airport. I will provide some names and numbers for  
17 you to contact. Do you know if you ever provided names  
18 and numbers to the civil rights office?

19 A. I did not. I had -- I had several names at  
20 that time, but I did not provide it to anyone and I don't  
21 know what's become of that in the past three, four years.

22 Q. The list?

23 A. The -- the names, yeah, and the names of the  
24 people that were there.

25 Q. Okay. I am just about done, but I do need to

1 take a -- a look at my notes and make sure there's

2 nothing I'm -- I'm omitting and eat some Cheetos, so --

3 MS. HEVICON: Before I eat them all.

4 MR. HELPER: Let's go off the record a  
5 few minutes.

6 MS. HEVICON: Okay, I was just going to  
7 ask you about that.

8 THE VIDEOGRAPHER: Off the record. The  
9 time is now 1:56, we're going off the record.

10 (Discussion off the record.)

11 THE VIDEOGRAPHER: The time is now two  
12 p.m. and we are back on the record.

13 Q. (By Mr. Helper) Mr. Young, do you know  
14 Christopher Gahr?

15 A. I have spoken with him. I know of him, but I  
16 have not met him.

17 Q. Okay. I -- I want to ask you questions, you --  
18 you may or maybe not have had conversations in which  
19 yourself and some of the other plaintiffs were present  
20 along with your lawyer. I don't want you to tell me  
21 about any conversation where the only people in the room  
22 were you and another plaintiff and a lawyer. But  
23 excluding those conversations, how did you first get in  
24 contact with Mr. Gahr, first speak with him?

25 A. He -- he actually called, called me and told me

1 about what he was attempting to do and -- and to contact --  
2 he was attempting to contact an attorney and discuss what  
3 he thought his situation was and he -- I guess from  
4 talking to other screeners he had learned about me and  
5 some of my situation I guess, and that I had been  
6 terminated and was asking basically if I was interested  
7 in sharing some of my information with the attorneys or  
8 getting involved in this or something along those lines.

9 Q. Was this after you'd been -- was this after  
10 you'd been terminated?

11 A. Yes.

12 Q. How long after you were terminated did Mr. Gahr  
13 get in touch with you?

14 A. Estimate about -- about a year.

15 Q. Okay. So this is after you had made complaints  
16 yourself about what had happened at TSA?

17 A. Yes.

18 Q. Okay. And had you heard of Mr. Gahr while you  
19 worked at -- you -- you never met Mr. Gahr while you were  
20 employed at TSA, correct?

21 A. No. I -- I did not meet him but I had heard  
22 some stories. Some stories were shared with me about  
23 him.

24 Q. And one of the stories you've related in your  
25 declaration or your affidavit about a conversation you

1 had with Mr. Collins, right?

2 A. Right.

3 Q. And Mr. Collins told you that Mr. Gahr had been  
4 fired for failing to change batteries in the radio. Is  
5 that what he -- Mr. Collins told you?

6 A. I was -- yes. Yes. That's basically what he  
7 told me.

8 Q. And is that the only thing Mr. Collins told  
9 you, the only reason Mr. Collins gave to you for why  
10 Mr. Gahr was fired?

11 A. That's about the only thing he told me. He  
12 didn't share much more than that.

13 Q. Did anybody else talk to you about why Mr. Gahr  
14 was fired other than Mr. Collins?

15 A. Yes. Patti, Patti mentioned -- Patti and I  
16 were looking at something one evening, we were discussing  
17 a -- a situation, a procedure we wanted maybe changed or  
18 something, and I had come up with an idea, I -- I really  
19 don't even remember what it was, it was something to do  
20 with the outbound check point. We -- we -- there was a  
21 single TSA person on this exit point. And I had made a  
22 suggestion, and Patti -- I -- I remember this quite  
23 clearly, Patti mentioned about all you F'ing haoles are --  
24 you think alike, you're alike, and I was what are you  
25 talking about now, Patti, and she brought up the story

1 about Mr. Gahr when he was there as a supervisor had come  
2 up with kind of the same idea or something along the same  
3 line. And she just made the comment he -- he came up  
4 with the same stupid idea and we had to fire him, and I  
5 think I -- my response to her was something along the  
6 lines of damn, I hope I don't make that same mistake  
7 then. Joking, you know.

8 Q. This had something to do with the proper  
9 protocol for a doorway?

10 A. We -- something to do with the exit doorway  
11 downstairs where arriving passengers came out. There's --  
12 there was a TSA person there, screener to make sure no  
13 one came through there, that everyone went through the  
14 proper entry point and got screened. And it was just  
15 something to do -- maybe getting them a different  
16 location, putting them in a different location. I  
17 honestly don't remember the exact details, but it was --  
18 wasn't a big deal, but he -- because of my suggestion,  
19 she brought up the story about this Christopher Gahr,  
20 that he had to be terminated, and that all of us F'ing  
21 haoles must think alike.

22 Q. Did she tell you what the stated reason was for  
23 Mr. Gahr's termination?

24 A. She -- she did. She told me that he was  
25 terminated because he destroyed government property.

1 Q. Did -- did she tell you any more than that?

2 A. I believe she shared with me that he had left  
3 the radio on overnight and -- and that the batteries had  
4 gone dead.

5 Q. And that --

6 A. And that was the reason, was a reason for  
7 termination.

8 Q. And letting the batteries go dead was,  
9 according to what she was saying anyway, destruction of  
10 government property?

11 A. Yes. And -- and I do remember that she said  
12 there were other things that he had done, but that was  
13 the only thing they could actually write him up for and  
14 to terminate him for.

15 Q. Anybody else who told you about anything to do  
16 with Chris Gahr's termination or his employment at TSA?

17 A. Well, the conversation I had with Patrick  
18 Collins, we had just -- we had just got in a shipment of  
19 our radios, and probably my second night, maybe my third  
20 day, second evening with Patrick, he asked me to go put  
21 these new batteries in the chargers and plug them in, he  
22 said make sure you plug them in, make sure they get  
23 charged, one guy got terminated for leaving a --  
24 batteries go dead. And I laughed, you know, I thought he  
25 was joking with me, and he goes no, I'm not joking. We



1 actually terminated someone for leaving a radio on  
2 overnight. And then with that information and with what  
3 Patti shared with me sometime later, I realized they were  
4 talking about the same person.

5 Q. Did anybody else talk to you about Mr. Gahr or  
6 his termination?

7 A. Not that I -- I do not recall anyone else ever  
8 saying anything.

9 Q. Okay. Did anybody ever say anything to you  
10 that Mr. Gahr was terminated, or one of the reasons he  
11 was terminated was for failing to secure a check point?

12 A. I did not hear that story. No.

13 Q. Okay. How about did you ever -- while you were  
14 employed at TSA, I don't think you overlapped with  
15 Charles Turner at all, or did you?

16 A. I -- I don't believe so, but the early days we  
17 had over 140, 150 guys working a single shift.

18 Q. Do you know Charles Turner now?

19 A. I -- I know who he is.

20 Q. Have you met him?

21 A. Yes. I've met him.

22 Q. Where have you met him?

23 A. I -- I met him at the airport.

24 Q. When did you meet him?

25 A. Sometime during the three weeks I worked there.



1 Q. Oh, okay. Did you ever supervise Charles  
2 Turner?

3 A. I -- I believe I did.

4 Q. Are you able to offer any opinion as to how  
5 good a worker he was?

6 A. I want to make sure I'm talking about the right  
7 person. His wife was also a screener?

8 Q. You may be thinking of Frank Paulson.

9 A. Frank Paulson, yes. I -- I'm positive I know  
10 and met Charles Turner but I -- I couldn't tell you  
11 anything about him.

12 Q. Okay. Do you know an employee named Lucas  
13 Bruno?

14 A. The name is certainly familiar, but again, I --  
15 I can't put a face with the name.

16 Q. Have you suffered any particular emotional  
17 distress from what happened to you at TSA Maui?

18 A. Well, I was certainly stressed but I -- I -- I  
19 don't have any medical problems that I know of. I -- I'm  
20 going to have to say no.

21 Q. Okay. And you -- you -- I think you said you  
22 were literally back to work, you were back to work  
23 literally the next day after your termination?

24 A. I was, and if I -- I know -- I know I -- I  
25 probably shouldn't even add anything else, but Howard

1 Tagomori tried to convince me to resign instead of being  
2 terminated because I'd never work again, and I just  
3 thought it was kind of funny.

4 Q. This was at your termination meeting?

5 A. At my termination meeting at the end of it he --  
6 he -- he sort of pondered for a moment and he says, you  
7 know, you really ought to just resign because you're  
8 never going to be able to get a job again. And I -- I --  
9 I was very upset, I knew many things that were in this  
10 termination letter were completely falsified and I said  
11 no, you terminated me, I want to stay terminated, I will  
12 not resign, and I did go back to work the very next day.

13 Q. Okay. All right. Mr. Young, I really  
14 appreciate your patience and your time today.

15 MS. HEVICON: Okay.

16 A. You're very welcome.

17 MS. HEVICON: We're done.

18 THE VIDEOGRAPHER: The time is now 2:12  
19 p.m. We're going off the record and this concludes  
20 today's deposition.

21 (Deposition concluded at 2:12 p.m.)  
22  
23  
24  
25